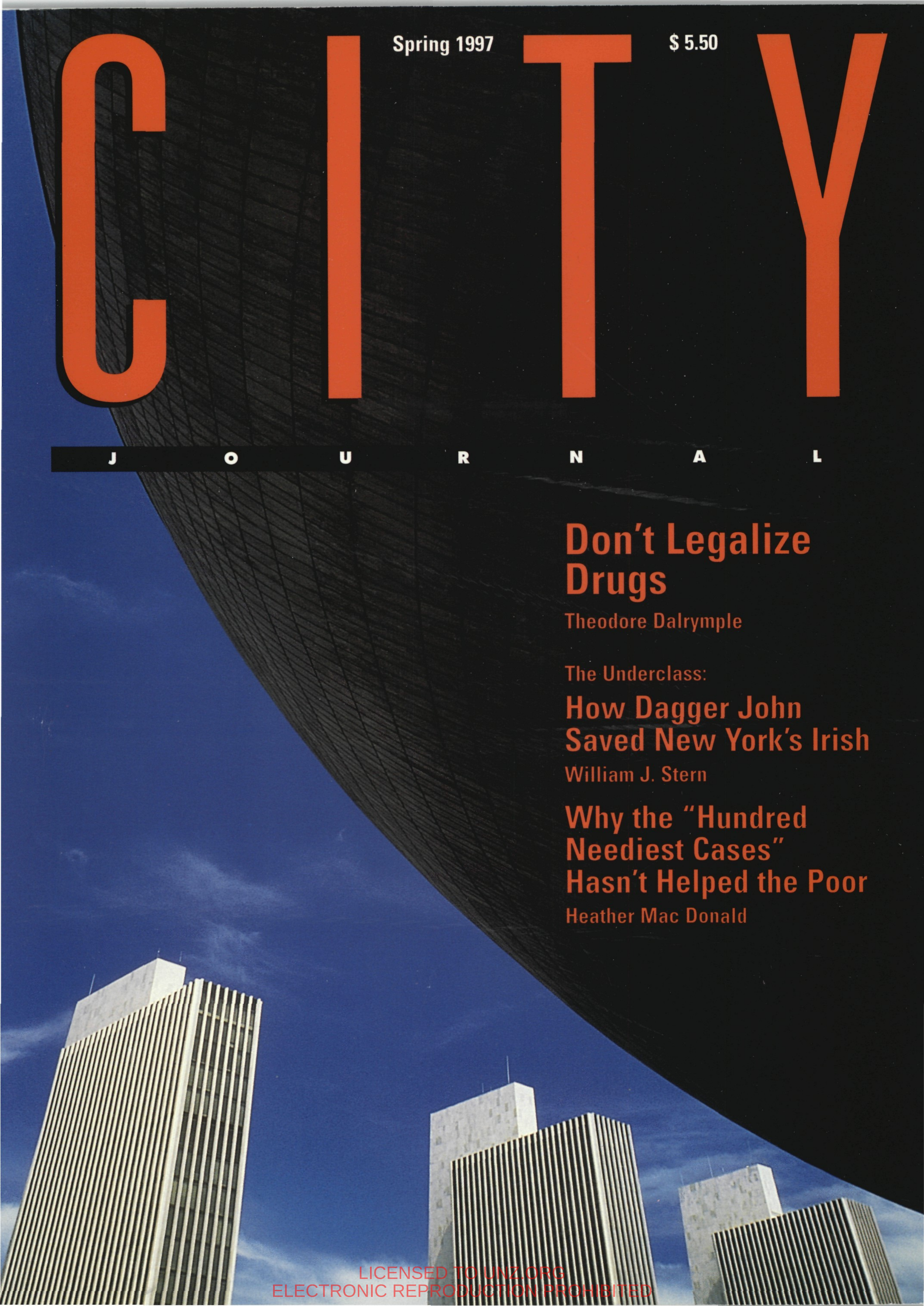


CITY JOURNAL

Spring 1997

$ 5.50

Don't Legalize Drugs

Theodore Dalrymple

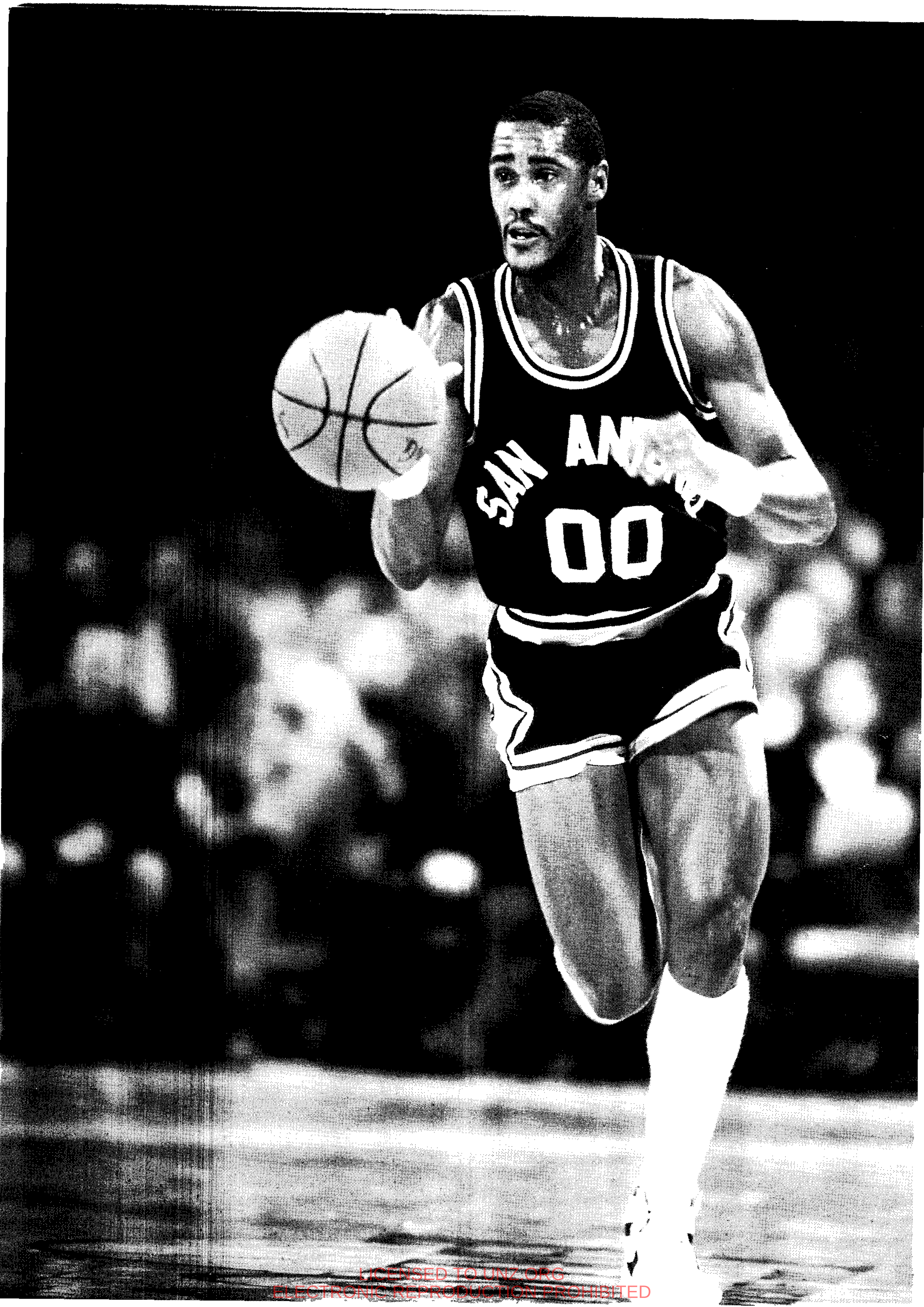
The Underclass:

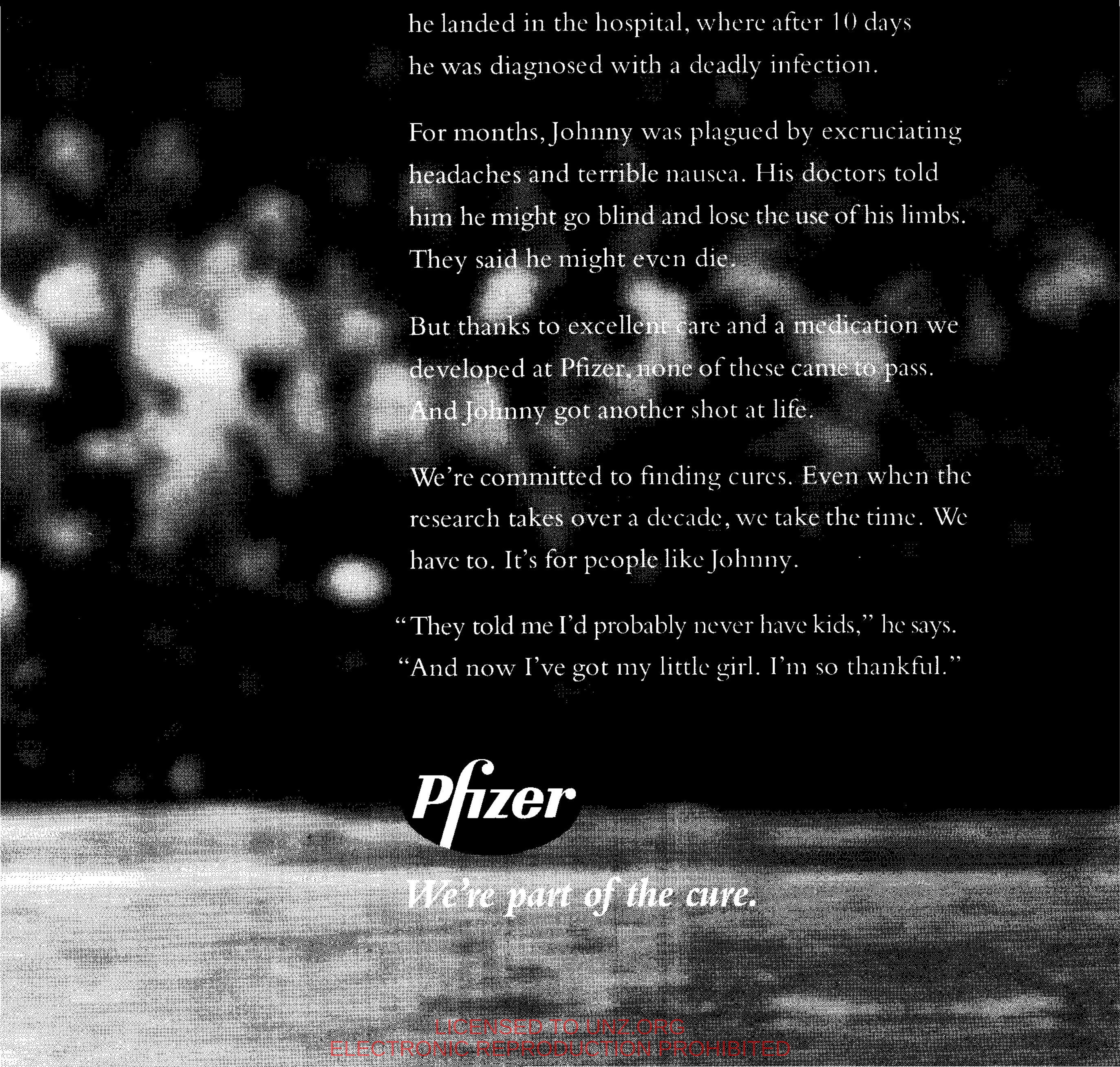
How Dagger John Saved New York's Irish

William J. Stern

Why the "Hundred Neediest Cases" Hasn't Helped the Poor

Heather Mac Donald


SAN AN
00



"I was thinking, 'If I can just get to the game, I'll be all right.'"

JOHNNY MOORE
SAN ANTONIO, TEXAS

The point guard for the Spurs never made it to that game against the Lakers back in 1985. Instead, he landed in the hospital, where after 10 days he was diagnosed with a deadly infection.

For months, Johnny was plagued by excruciating headaches and terrible nausea. His doctors told him he might go blind and lose the use of his limbs. They said he might even die.

But thanks to excellent care and a medication we developed at Pfizer, none of these came to pass. And Johnny got another shot at life.

We're committed to finding cures. Even when the research takes over a decade, we take the time. We have to. It's for people like Johnny.

"They told me I'd probably never have kids," he says. "And now I've got my little girl. I'm so thankful."

Pfizer

We're part of the cure.

CITY
JOURNAL

Published by the Manhattan Institute
Spring 1997 Volume 7, Number 2

Editor
Myron Magnet

Senior Editor
Gary Rosen

Contributing Editors
Theodore Dalrymple, David Gelernter,
Kay S. Hymowitz, Heather Mac Donald,
Richard E. Morgan, Sol Stern,
William J. Stern

Art Director
Sandra Di Pasqua

Picture Editor
Susan Rubin

Art and Production Manager
Monica Kowarick

Editorial Assistant
Susan Lin

Publication Committee
Richard Aspinwall, *Chase Manhattan Bank*
Gary Bogard, *New York, N.Y.*
Eugene D. Brody, *Oppenheimer Capital*
Geoffrey Colvin, *Fortune Magazine*
Edward N. Costikyan, *Paul, Weiss, Rifkind, Wharton & Garrison*
John Craig, *The Commonwealth Fund*
Peter Davidson, *El Diario-La Prensa*
Nathan Glazer, *Harvard University*
Adam P. Glick, *The Jack Parker Corporation*
Edward W. Hayes, *New York, N.Y.*
H. Dale Hemmerdinger, *The Hemmerdinger Corporation*
Edward R. Hintz, *Hintz, Holman & Hecksher Inc.*
Steven Klinsky, *Forstmann, Little & Company*
Marie-Josée Kravis, *Hudson Institute*
Roy Marden, *Philip Morris Companies*
Howard Milstein, *Douglas Elliman-Gibbons & Ives*
Joseph L. Rice III, *Clayton, Dubilier & Rice, Inc.*
Peter D. Salins, *State University of New York*
Joan C. Schwartz, *New York, N.Y.*
Thomas J. Tisch, *FLF Associates*
Barrie A. Wigmore, *Goldman, Sachs & Company*
Louis Winnick, *Fund for the City of New York*
Kathryn Wylde, *New York City Investment Fund*

Cover Photograph by David O'Connor/Graphistock

Contents

Theodore Dalrymple 14 **Don't Legalize Drugs**
Advocates have almost convinced Americans that legalization will remove most of the evil that drugs inflict on society. Don't believe them.

Heather Mac Donald 23 **Behind the Hundred Neediest Cases**
It was no favor to the poor when the *New York Times*'s annual appeal, which for 85 years has voiced the elite view of poverty, decided that the needy were not responsible for their own fate.

Sol Stern 34 **How Teachers' Unions Handcuff Schools**
No education reform can succeed until teachers' unions stop demanding work rules that subvert education's basic building block: the interaction between teacher and students.

Eric Lane 48 **Albany's Travesty of Democracy**
Democratic lawmaking needs debate, hearings, committee reports—all the machinery that winnows compromise out of the clash of opposite views. You won't find any of it in Albany.

Peter Hellman 58 **Justice Freedman v. New York**
For over a decade, an activist judge has made a shambles of New York City's policy for homeless families.

Bruce Davidson 66 **Brooklyn Gang: A Portfolio**

Amitai Etzioni & Roger Scruton 72 **Community, Yes. But Whose?**
Communitarians present themselves as champions of traditional social ties and opponents of irresponsible individualism. But are they merely apologists for the welfare state?

Urbanities

William J. Stern 84 **How Dagger John Saved New York's Irish**
New York's first Catholic archbishop liberated America's first underclass.

Departments

5 **In Prospect**

6 **Soundings**
Better Fates for Estates, Grading the Schools . . . and other matters.

Theodore Dalrymple 106 **Oh, to be in England**
"There's No Damned Merit in It"

114 **Letters**

119 **Contributors**

Gary Rosen 120 **Greenwich Village Diarist**
Back Talk

We'll let our readers tell you why they never miss an issue.

Mayor Rudolph Giuliani

“In its five-year history *City Journal* has provided a forum for some of our city's—and our nation's—most incisive thinkers, whose writings have enriched our public discourse and helped shape public policy. In the pages of *City Journal*, theorists and practitioners meet, and new approaches to governance emerge. I look forward to many more years of informative, provocative reading.”

Tom Wolfe

“*City Journal* is the great Fool Killer in the arena of urban policy. It's more than sharp and penetrating. It's a joy to read.”

Mayor Stephen Goldsmith

“*City Journal* is simply an indispensable handbook for anyone interested in urban issues. In Indianapolis City Hall, every issue of *City Journal* gets cut up, copied, passed around, and talked about.”

George Will

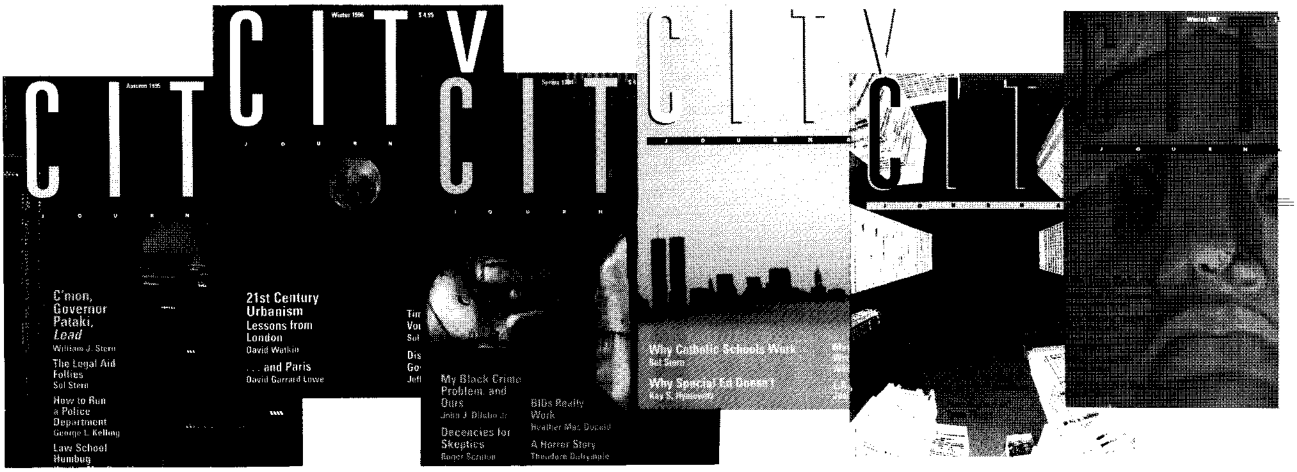
“*City Journal* is consistently the most stimulating source of reporting and analysis concerning the nation's urban problems”

Mayor John Norquist

“*City Journal* is the definitive forum for the best new ideas in urban government. I love *City Journal*, the magazine dedicated to rebuilding urban civilization.”

Bill Moyers

“Even when I disagree with *City Journal*, I dare not ignore it”


CITY JOURNAL
Autumn 1995
Winter 1996
Spring 1996
Winter 1997
C'mon, Governor Pataki, Lead
William J. Stern
The Legal Aid Follies
Sol Stern
How to Run a Police Department
George L. Kelling
Law School Humbug
21st Century Urbanism
Lessons from London
David Watkin
. . . and Paris
David Garrard Lowe
My Black Crime Problem, and Ours
John J. DiIulio Jr.
Decencies for Skeptics
Roger Scruton
BIDs Really Work
Heather Mac Donald
A Horror Story
Theodore Dalrymple
Why Catholic Schools Work
Sol Stern
Why Special Ed Doesn't
Kay S. Hymowitz

City Journal. Ideas that work.

In Prospect

Two absorbing stories in this issue shed extraordinarily clear light on what causes an underclass to come into being—and what allows that population to enter the economic and social mainstream.

The New York Irish composed America's first underclass—a group not merely poor (like Italian or Chinese immigrants) but imprisoned in seemingly permanent, intergenerational poverty by violence, drunkenness, crime, illegitimacy, lack of education, and family breakup. Nor did it help that, like inner-city minorities today, they faced bigotry and discrimination, with some even theorizing that their failure was due to genetic inferiority. "How Dagger John Saved New York's Irish," on page 84, dramatically recounts how John Hughes, the immigrant Irish gardener who became New York's first Catholic archbishop, made it his mission to liberate these slum denizens, so they could profit by the opportunities all around them in their new land.

He did so not by the indiscriminate handouts that he dismissed as "soupery." He set out to save their souls. What he did, to use today's secular language, was to change their behavior by changing their beliefs and values. He taught them to shun sin and follow the path of virtue, in a way that filled them with self-respect and optimism when they followed his precepts. He showed them how, in a world filled with those who despised them, they could be very far from despicable. He taught them to be self-reliant and responsible, but he also encouraged them to form community groups for mutual self-help and moral support. He established schools to educate them. And recognizing that epidemic promiscuity and illegitimacy and family collapse prevented Irish New Yorkers from even starting to climb the ladder of upward mobility, he especially evangelized Irish *women*, understanding that if he could change their behavior, he'd be halfway to changing the behavior of the men and children.

And it worked. In a generation, Irish New Yorkers were turning into pillars of the community, not burdens upon it.

"Behind the Hundred Neediest Cases" (page 23) is also about how the messages of the culture's official spokesmen affect an underclass. For the 85 years of its existence, the *New York Times*'s Neediest Cases appeal has reflected and amplified the theory that the nation's elite culture holds about poverty. As the ghetto underclass came into existence in the 1960s, that theory turned upside down. Before, the Neediest Cases appeal had distinguished the deserving from the undeserving poor: those who lived responsibly and were struck down by misfortune deserved assistance; those whose misery sprang from their own self-destructive behavior did not. But in the late sixties, the appeal began to present poverty and distress as products of vast, impersonal social and economic forces rather than of the choices that individuals make. All the poor were deserving; all were entitled not just to private charity but to public support; and any judgmental reluctance on the part of the public to make that support generous was a mark of national shame.

Small wonder that these attitudes, as they filtered down to the poor themselves and as they shaped welfare policy, contributed to the deepening of inner-city misery and dysfunction. Just as Archbishop Hughes's message of virtue and personal responsibility convinced the members of the mid-nineteenth-century underclass that they had within them the power to better their condition, so the message of elite culture for the last 30 years has convinced today's underclass that there's nothing they can or should do to help themselves. Constant preaching of the anti-Hughesian gospel—that the poor are victims, that illegitimacy isn't shameful and indeed there are no standards of behavior, and that the poor ought to depend on a vast system of national "soupery"—has imprisoned the modern inner-city poor all the more inextricably in failure. For the biggest force, whether to create or to liberate an underclass, is what the official culture teaches: either the necessary virtues and the belief that you can shape your own fate, or the reverse. ●

Soundings

Better Fates for Estates

What were so many New York lawyers doing at Disney World at a recent New York State Bar Association seminar? That's easy: they were learning about Florida laws governing wills, trusts, and Medicaid so they could keep serving the growing number of their elderly clients who've moved south to escape the cold—and New York State's confiscatory death taxes. Though Governor Pataki can't do anything about our frigid winters, he has proposed a welcome, long-overdue reform of New York's punitive levy on estates.

All 50 states impose a tax on estates worth more than $600,000. Thirty-two states tax these assets at rates topping out at 16 percent—the level up to which the state tax remains fully deductible from the federal inheritance tax. But not New York. Our death tax, by far the costliest in the nation, goes as high as 21 percent and applies to estates worth just over $115,000, striking sharply at the middle class. Over three years, Governor Pataki's proposal would reduce our top rate to 16 percent and raise the threshold for the tax to $600,000. This would put New York on a par with states like Florida and give it a tax advantage over economic rivals such as Pennsylvania and North Carolina.

Who will benefit? Thousands of middle-class New Yorkers, who now must pay a tax intended for the truly wealthy. And, yes, the truly wealthy, who now pay most of the tax and who are most likely to move away under the current law. New York City, which generates more than half the statewide estate-tax liability (38 percent of the total from Manhattan alone), especially stands to gain. Rich New Yorkers—and New York is still the nation's wealth capital—will no longer be tempted to take their money and run as they enter their declining years. Their wealth will stay in the city, where it contributes significantly to everyone's prosperity and benefits our great charities, which are tired of seeing their most generous donors driven elsewhere.

Five years ago, the Public Policy Institute, an Albany think tank where I work, issued the first proposal for reforming New York's estate tax. Given the political reality of the time, we recommended only limited reform. Today, thanks to Governor Pataki, the political climate in Albany is so different that full reform of the estate tax is not only on the table—it's likely to become law without serious opposition.

—*Robert Ward*

Grading the Schools

It was bad enough that the parents of New York City's public school students had to find out early this year that fewer than 1 in 3 of the system's third-graders read at or above grade level—a sure sign of educational bankruptcy. But did they have to learn about it from the morning papers? Why hadn't *they* received the "school report cards" issued by the State Department of Education?

State Education Commissioner Richard Mills, who has focused relentlessly on raising academic standards since he took the job two years ago, produced the report cards to hold the state's public schools more accountable for their performance and to bring parents into the process. Early in December he sent a directive to every school principal in the state, telling them to distribute the report cards to parents before their release to the press.

So what happened? I have learned that on December 11 all 32 of the city's district superintendents and more than 1,000 principals received a memo from Board of Education headquarters signed by Deputy Schools Chancellor Judith Rizzo. It countermanded Commissioner Mills, saying, "You are not required to copy and distribute" the state report cards. My repeated phone calls to Chancellor Rudy Crew's public relations office turned up no one interested in explaining this memo.

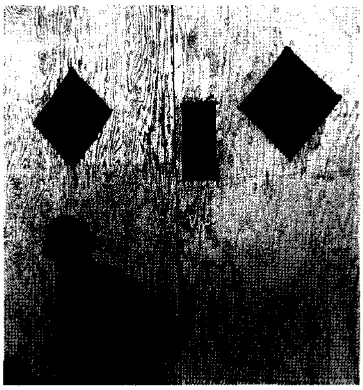
Commissioner Mills was not amused when he discovered that parents from a third of the state's schools had been kept in the dark. "We are disappointed that [the New York

City Board of Education] did not distribute the report cards," said the commissioner's spokesman. "The parents need that information."

Chancellor Crew and his staff have also worked diligently to keep at bay the School Choice Scholarships program, a new initiative that might just offer some hope to those struggling third-graders. Ever since Mayor Giuliani first floated the idea of using private funds to allow 1,000 economically disadvantaged children to transfer to private schools, the city's public school establishment has taken to the battlements. Chancellor Crew ruled that no Board employee would be allowed to lift a finger to assist the program or provide information about it to any student. His version of the proverbial "wall of separation" between church and state is about as impermeable as it gets—despite the fact that public school guidance counselors have been advising students for years about existing scholarships for Catholic high schools.

The Catholic schools challenge and Commissioner Mills's report cards could reinforce each other in putting pressure on the public school system to improve. Most of the 300,000 children attending the state's private schools, the majority of which are Catholic, take the same achievement tests included in the state's report cards. The State Department of Education has all the data it needs to issue reports for private and parochial schools identical to the ones just released for public schools, including information on the cost of these schools and their students' social and economic backgrounds.

Recent studies of scholarship programs in Indianapolis and Milwaukee have demonstrated that poor children make significant gains in Catholic schools compared to children from similar family circumstances who remain in public schools.



HARVEY WANG (4)

If New York parents could reach the same conclusion from the state's report cards, they might begin thinking about why the organization and culture of Catholic schools make them more effective. Some no doubt would enroll their children in Catholic schools, but others would put pressure on the public schools to perform better. Who knows, under such scrutiny the day might come when the Board of Education is no longer too ashamed of its own grades to share them with parents. —*Sol Stern*

The Goo Goos Don't Get It!

In the Wall Street boom year of fiscal 1997, New York State will have a budget surplus of between $600 million and $1.5 billion, and New York City will run a $400- to $600-million surplus. What to do with it? The Citizens Budget Commission, one of New York's leading good government organizations (or goo goos, in political slang), suggests that the money should go to retire outstanding debt.

In the abstract, this suggestion makes eminent sense. The state and city carry gargantuan debt burdens, estimated at almost 40 percent of the nation's total municipal debt. Over 10 percent of the state budget and almost 10 percent of the city's goes to debt service, and the proportions are growing. Using a surplus to reduce debt would not only reduce interest costs in all future budgets but might also produce an increase in the state's credit rating, lowering interest payments on future borrowings still further.

Moreover, Wall Street, which fueled the boom, is a notoriously cyclical industry, and extra tax receipts will almost certainly not be available in fiscal 1998, let alone the distant future. Over the last 30 years in New York, every time Wall Street has boomed the state and city have treated the surpluses as if they'd recur annually, spent them, and ratcheted up the level of spending, worsening the state and city structural deficits. Like the proverbial drunken sailor, our state and city governments spend money when it is there to be spent, unrelated to any identifiable pressing need.

But however reasonable, the goo goos' suggestion that we reduce debt has zero chance of being adopted. The reality of New York government is that each year it collects billions of dollars from the people and businesses of New York and then politicians redistribute the money to relatives, supporters, and clients. Politicians who want to be reelected know that these politically connected insiders, in return, can finance a primary or general election campaign, influence media coverage, organize demonstrations, or provide campaign workers. When the Citizens Budget Commission cites "waste" in the budget, it is missing the real point. It is not "waste" but deliberate decision-making by elected officials to reward a constituency with public money. A politician who advocated using the present surplus to reduce debt instead of to reward the special interests would receive the approval of goo goos but would be hamstringing his political career.

The goo goo groups should support the only idea that has a real-world chance of defeating the spending constituencies and bringing about genuine reform: tax cuts. The tax-cut idea can rally a political constituency able to defeat the spending crowd. In New York, the nation's highest-taxed state, the voting public will respond to a proposal for reducing their taxes.

Lower taxes will lead to less borrowing, since over time the bond markets will hesitate to buy debt that is not clearly supported by specific taxes. (The markets are already concerned about New York's level of debt.) With less money available, state and local governments will have no choice but to reform the way they provide services and to eliminate useless government programs. Starving the beast by cutting taxes is the only method that has worked in producing real change in state and local government anywhere in the United States. No less important, lower taxes will encourage more private investment, which will create jobs.

If the goo goos keep making the perfect the enemy of the good, they are in danger of becoming part of the problem, unwitting allies of the status quo. —*William J. Stern*

Charter Laws That Work

In January Governor Pataki proposed sweeping legislation that would give individuals and organizations the right to create public charter schools, either from scratch or by converting existing public schools. Currently, 25 states and the District of Columbia have charter laws, and approximately 500 charter schools are operating, most of them in Arizona, California, and Michigan.

The late Albert Shanker, head of the American Federation of Teachers, sparked the movement in 1988 when he proposed that teacher-led groups apply to a variety of state authorities for charters, agreeing to meet high academic standards in exchange for the far greater autonomy needed to reach those standards, including control of their own budgets, freedom from bureaucratic regulation, and the opportunity to spend more money at the school site rather than on administrative overhead. Minnesota passed the first charter law in 1991 and opened the first charter school a year later. Since then it has become clear that there are good charter laws and Potemkin ones—those that produce very few charter schools or none at all (as in nine states).

Thankfully, Governor Pataki knows the difference between the two. Opponents of charter schools understand that the best way to block them is to place the approval of charters solely in the hands of local school boards, which are invariably hostile to the whole enterprise for fear of weakening their own control. The governor's legislation wisely allows both local school boards and other public agencies, including the New York Board of Regents and public universities, to grant charters.

Another stumbling block to charters is the cap that many states impose on their number. The Massachusetts law permits only 25 charters for the entire state. California began with a limit of 100 but has since approved 118 charter schools and is considering raising the statutory limit in response to public demand. Governor Pataki has proposed an unlimited number of charter schools for New York.

Charter laws differ in the way they handle teacher qualifications. Some states permit waivers for uncertified teachers (such as artists or scientists) or allow a certain proportion (up to 50 percent) to be uncertified. The Pataki bill—like charter legislation in Arizona, California, and Massachusetts—does not require teacher certification in charter schools. Not surprisingly, teachers' unions demand that charter schools hire only state-certified teachers. At a March forum in Albany, the New York State United Teachers made clear that it was unlikely to support any charter legislation.

It's impossible to know whether a law permitting charter schools will emerge from this session of the Legislature; the opposition of the teachers' union, which is the most powerful voice in Albany on education issues, is certainly not encouraging. This is unfortunate, for a large and vital network of charter schools in New York would offer hope to educators, parents, and students in troubled school districts and would promote higher academic standards for all the state's public schools. —*Diane Ravitch*

President Rudy?

New York mayor Rudolph Giuliani is one of the most successful Republican officeholders in the country. And after eight years of Bill Clinton's facile charm and political shiftlessness, Americans may be in the mood for a leader who is willing to go into a room and offend everybody in it, who will court confrontation with entrenched interests, who knows his own mind. So, assuming Giuliani wins reelection, why shouldn't Republicans begin to think about him as a potential national figure in 2000, either as a significant party player, a vice-presidential pick, or even a primary contender?

In Washington I occasionally find myself involved in a little why-not-Rudy parlor game with Republican strategists—not all of them ex-Gothamites. Could a politician from New York, who endorsed Cuomo over Pataki and who is pro-choice on abortion, realistically play any sort of role in the national GOP? Obviously, the party is not about to crown him king right now. He is just too hot on the abortion issue not to raise some conservative hackles. As one prominent Republican put it to me, "Okay, he's pro-choice. But does he have to be *so* pro-choice?"

Even so, can you think of another Republican who has a better chance of bridging the divide in the GOP between pro-life and pro-choice partisans, or who could use a law-and-order platform to join Southern social conservatives and Northern free marketeers? Giuliani is pro-choice, but he is also a tough SOB. Pro-lifers detest moderate Republicans not just because they are pro-choice, but because they are snobs and squishes. Giuliani is neither.

Giuliani would also have wide appeal outside the party. He sends off cultural signals that speak to Reagan Democrats everywhere, not only in Queens and Brooklyn. Such voters admire guts, and though they wouldn't always agree with his individualistic social positions, he could win them over on issues like crime, pornography, foreign policy, and the bureaucracy. If Giuliani could establish a national reputation for courage, even the Cuomo endorsement would fade away as just another bit of evidence that he is his own man. That sort of independence also goes a long way with Perot voters.

None of this is to say that Giuliani would necessarily be a good president. He would have to improve his handling of the press (he hits reporters so hard with spin that the only way for them to keep their self-respect is to be hostile). And it's hard to see him handling a cabinet full of independent-minded secretaries. Still, an ambitious, dynamic guy like Giuliani could play a national role. If you think that's far-fetched, compare him to the current Republican leadership in Washington. In the land of the timid, even a pro-choice man can be king. —*David Brooks*

Defining Deviancy Away

Over a century ago Chief Justice Morrison Waite wrote for a unanimous Supreme Court that the marriage of one man to one woman was the institution upon which "society may be said to be built." The vast majority of Americans continue to share this view, and more evidence piles up yearly of the horrendous social costs that have resulted from the fraying of the marriage bond over the last three decades.

The problem is that a small but vastly influential minority of Americans rejects this received wisdom of Western civilization as pernicious nonsense and has waged an increasingly successful war to deprive heterosexual marriage of its unique public standing, hoping to make it just one option in a smorgasbord of possible "life-styles." The Supreme Court of Hawaii is expected soon to legalize homosexual "marriage," with the inevitable consequence that same-sex couples will turn up in other states with Hawaiian documents and demand recognition of their union under the "full faith and credit" clause of the U.S. Constitution. And in San Francisco, Mayor Willie Brown and the Board of Supervisors have passed an ordinance requiring any business or nonprofit organization that contracts with the city to give all "domestic partners" of its employees, heterosexual or homosexual, the same benefits it affords to spouses. The nationalizing impulse is afoot here too: the ordinance applies to *all* of a contractor's operations, so that the city has told United Airlines, for instance, that it must offer domestic-partner benefits company-wide if it wants to lease space at the San Francisco airport.

The activists and intellectuals behind these decisions see no special virtue in heterosexual marriage. For them, this most enduring of human institutions has nothing to do with God or nature; it is a mere "construct" of social power and language, created by "hegemonic" Euro-American males to keep homosexuals and women in their place. They believe that the biological differences between the sexes are trivial inconveniences and that a creative blooming of freely chosen unions awaits us if only we reformulate the definitions of words like "marriage" and "family." Opinions to the contrary, they maintain, are little more than superstition or bigotry—a view for which they have found an ally in Justice Anthony Kennedy, who wrote for the majority in last spring's case of *Romer* v. *Evans* that only an irrational "animus" could have motivated the people of Colorado to deny special legal protections to homosexuals.

As George Orwell would have said, only an intellectual could believe such bilge; ordinary people—and not just the religiously devout—will reject it out of hand. They will, that is, *if they get the chance.* For so great has the influence of the American intellectual class become, so great are its institutional advantages—especially in the courts and in a few large cities—that the socio-legal revolution against marriage is advancing in ways that largely evade the requirement of majority consent.

—*Richard E. Morgan*

Dumped Again

You'd think New York State might have learned something from the disastrous consequences of "deinstitutionalization" of the mentally ill, right? The "reform" ultimately left thousands of mentally ill adults to wander the streets. But in February the state's Office of Mental Health announced plans to do it again—this time putting the squeeze on a crucial form of care for violent, antisocial teens.

The plan gives a dangerous option to New York State's 14 privately run, state-funded residences for seriously disturbed adolescents. It allows them to get rid of beds through attrition and then use the funding for the beds to provide more patients with services in their homes—which won't work for the hardest cases among the kids. Up to 150 of the 500 beds now available may disappear, even though demand for this kind of intense supervision remains high, with a waiting list of more than 100 youngsters in New York City alone.

What sorts of kids need such care? Consider 16-year-old "Danny," a resident at Manhattan's Aichhorn Center. When seized with paranoid delusions, Danny has on several occasions bitten adults and other children in order to infect them with the chronic hepatitis virus that he carries. By the time he was 13, his mother had placed him in various homes and programs a total of 57 times. Like most of the other teens in these residences, he has amply demonstrated that receiving treatment at home is not a viable option: he is simply too destructive and uncontrollable to live in the community.

The state's plan won't affect Danny or the other patients who are already receiving care. But Dr. Michael Pawel, executive director of the Aichhorn Center, knows just what's in store for the teens who continue to languish on waiting lists and are now even less likely to receive the residential treatment that they need. "This recalls the worst excesses of adult deinstitutionalization," he says. "The adult prison population swelled with the mentally ill when they were pushed out of hospitals. It was bad enough doing it to grownups." Indeed, armed with the lessons of experience, why would a civilized society refuse to save its most troubled children from a tormented life of crime, homelessness, and self-destruction? —*Sally Satel*

(Social) Workers, Unite!

Leave it to the National Association of Social Workers to bring its code of ethics up to date with an ever-more-complex world. To take but one example: the old version of the code, which dates back to 1979, devoted 13 simple words to prohibiting sex with "clients" (as social workers call the people they serve). The new code, adopted in January, dedicates 488 words to discussing every imaginable contingency concerning sexual relations, sexual harassment, even physical contact among co-workers, former clients, current clients, and their friends and relatives. For social workers, it seems, it's never enough just to say, "Be responsible and exercise self-control."

But what's most striking in the new code is the candor with which the NASW articulates its sociopolitical worldview. No one will be surprised to learn that the 155,000-member group, whose board of directors unanimously endorsed Bill Clinton for reelection and resolutely opposes welfare reform, trumpets political correctness and tilts decidedly to the left. But here, for the first time, the NASW provides a full social workers' credo.

The code lays out a familiar and—one would think—by now discredited view of the poor as victims of social and economic injustice. It defines the profession's "primary mission" as enhancing human well-being, with particular attention to the "empowerment" of the "oppressed." Social workers, it says, strive to end all "forms of social injustice," including poverty, and pursue their ends through "advocacy," "community organizing," and "social and political action." As the NASW sees it, the poor bear no responsibility for their lot in life, and the system is the villain.

What's almost entirely missing here, of course, is any expectation that social workers will help clients to examine their own defects of character and judgment or to take responsibility for themselves. This jibes nicely with the code's command to respect "ethnic diversity" and constantly display "cultural sensitivity." Far be it from social workers to make judgments, impose standards, and demand that their impoverished clients change their ways. Indeed, social workers should recognize "the strengths that exist in all cultures" and educate themselves about "the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion and mental or physical disability."

The NASW's original code, written in 1960, focused narrowly on how social workers should behave toward their clients: "I give precedence to my professional responsibility over my personal interests," "I respect the privacy of the people I serve," and so forth. It all fit neatly on one page—and it deserved respect. *—Allan T. Demaree*

The Immigrant Burden?

Has the recent tidal wave of immigration hurt cities? A study that I recently conducted for the Alexis de Tocqueville Institution answers an emphatic no. Drawing on data from the Census Bureau, the study assesses the impact of immigrants on the 85 most populous U.S. cities (those with populations of 200,000 or more) by contrasting conditions over the period 1980–90 in those with the highest and the lowest concentrations of foreign-born residents.

The study's findings challenge much of the conventional wisdom about the economic impact of immigrants. The 15 cities with the largest jump in their immigrant populations in the eighties—places like San Jose, Houston, and Miami—enjoyed job growth of 32 percent over the decade. At the other end of the spectrum, low-immigration cities like St. Louis, Toledo, and Buffalo saw a mere 7 percent rise. Cities with the highest concentrations of immigrants in 1980 saw per-capita income grow 7 percent faster over the period than their immigrant-poor counterparts, and by 1990 residents of such cities were 15 percent richer on average.

The social picture is no less dramatic. Cities with the smallest immigrant populations in 1990 had a 20 percent higher rate of poverty than immigrant-rich cities, a result of having almost twice the rate of growth in poverty over the preceding decade. Much the same goes for crime, with immigrant-poor cities experiencing a 20 percent higher crime rate by the early nineties.

Of course, these numbers leave a critical question unanswered: did immigrants help these cities prosper or did these prosperous cities simply attract immigrants? But the study does refute the idea that immigration is a chief culprit in our urban woes. Whatever problems New York and Los Angeles might share with the likes of Detroit and Milwaukee, their newest residents from abroad are not to blame.

—Stephen Moore

Boomtown

In the mid-1980s city watchers wrote off Houston as a one-industry town gone bust. Oil prices were at the bottom of the barrel, unemployment hovered around 10 percent, and the city had lost over 220,000 jobs. Today oil prices are still sagging by historical standards, but Houston has surged back, with one of the most vibrant and diverse economies among the country's major metropolitan regions. Last year the city enjoyed a job growth rate of 2.3 percent, far outpacing New York's paltry 0.8 percent and even surpassing Los Angeles's respectable 1.8 percent.

Entrepreneurship has led the way in Houston's revival. Last year, according to an analysis by Vermont-based County Data Corporation, more than 53,000 businesses opened their doors for the first time in Houston, which led the nation by a wide margin in start-ups per capita and trailed only Los Angeles in absolute numbers. Nor is it hard to figure out what's made Houston so attractive to new companies. Pennsylvania-based Regional Financial Services found that the overall cost of doing business in the city—for everything from office space and labor to taxes and licensing fees—was among the lowest in the nation, a full 50 percent lower than for New York.

What has set Houston apart from its other low-cost rivals is its cosmopolitan openness. A port city with vast international connections, it has attracted large numbers of Chinese, Vietnamese, and Africans into its already diverse ethnic mix, and these ambitious immigrants have thrived. Tan La, who fled Vietnam with the other members of his family in the late seventies, now helps them run a chain of Houston restaurants that employs over 200 people and took in over $7 million last year. Texans "are adventurous and like to try new things," he says, adding that "there's something about the place that makes you feel good about the future."

Houston's business community is also unusual among big-city elites in lending strong support to companies that are just starting out. Charlie Wilson, the founder of SeaRail International, a shipping firm, has gotten valuable advice from experienced businessmen through the city's Young Entrepreneurs Organization. "In many ways," he says, "Houston is still a small town where everyone knows everyone else and people like to see others succeed."

Andrew Segal, who owns a small empire of successful office buildings, sees the biggest contrast with his native New York in the business cultures of the two cities. What he likes about Houston is that "everyone seems to be willing to talk openly about money. No one's ashamed to be out there trying to make it." —*Joel Kotkin*

Give 'Em the Ax

Ever wonder just exactly what some of New York's public officials do—and why we pay for it? Take the lieutenant governor, for example. Alfred Del Bello held the job in Mario Cuomo's first administration and—like the current incumbent, Betsy McCaughey Ross—didn't get along with the boss. So he quit: and no one noticed. The position carries virtually no official responsibilities and exists just in case the governor can't perform his duties. The annual price tag for this insurance policy: a $350,000 office budget and a salary of $110,000.

Consider, too, some of New York City's public offices. Do we really need a special elected official called the public advocate? Isn't the mayor a public advocate? Aren't the members of the City Council? Mark Green, the current public advocate, just published a report detailing the state's outrageously high expenditures for transporting Medicaid patients. It's a good report, but couldn't the city comptroller have produced it? Green's office comes at an annual cost to taxpayers of $2.35 million, and he takes home $105,000 a year.

And then there are the borough presidents. When the city still had the Board of Estimate, the borough chiefs had real power over contracts and land use. But the mayor and City Council took over these responsibilities in 1989 under the new city charter. Now the borough presidencies are just empty shells, playing no meaningful part in city government. Each of these offices—remember, multiply by five—costs some $5 million a year, with a salary of $114,000 for each executive.

Admittedly, getting rid of these offices wouldn't make much of a dent in the state and city budgets. But the symbolism is important. These jobs exist just to provide a public platform for politicians looking for higher office—borough presidents Ruth Messinger and Fernando Ferrer are running for mayor, Green for senator, and Ross for who knows what. Do New York's overburdened taxpayers really need to finance their ambition? —*William J. Stern*

Don't Legalize Drugs

Theodore Dalrymple

There is a progression in the minds of men: first the unthinkable becomes thinkable, and then it becomes an orthodoxy whose truth seems so obvious that no one remembers that anyone ever thought differently. This is just what is happening with the idea of legalizing drugs: it has reached the stage when millions of thinking men are agreed that allowing people to take whatever they like is the obvious, indeed only, solution to the social problems that arise from the consumption of drugs.

Man's desire to take mind-altering substances is as old as society itself—as are attempts to regulate their consumption. If intoxication in one form or another is inevitable, then so is customary or legal restraint upon that intoxication. But no society until our own has had to contend with the ready availability of so many different mind-altering drugs, combined with a citizenry jealous of its right to pursue its own pleasures in its own way.

The arguments in favor of legalizing the use of all narcotic and stimulant drugs are twofold: philosophical and pragmatic. Neither argument is negligible, but both are mistaken, I believe, and both miss the point.

The philosophic argument is that, in a free society, adults should be permitted to do whatever they please, always provided that they are prepared to take the consequences of their own choices and that they cause no direct harm to others. The locus classicus for this point of view is John Stuart Mill's famous essay *On Liberty*: "The only purpose for which power can be rightfully exercised over any member of the community, against his will, is to prevent harm to others," Mill wrote. "His own good, either physical or moral, is not a sufficient warrant." This radical individualism allows society no part whatever in shaping, determining, or enforcing a moral code: in short, we have

Advocates have almost convinced Americans that legalization will remove most of the evil that drugs inflict on society. Don't believe them.

PASCAL LE SEGRETAIN/SIGMA

The squalid reality of Zurich's open-air drug market. . .

nothing in common but our contractual agreement not to interfere with one another as we go about seeking our private pleasures.

In practice, of course, it is exceedingly difficult to make people take *all* the consequences of their own actions—as they must, if Mill's great principle is to serve as a philosophical guide to policy. Addiction to, or regular use of, most currently prohibited drugs cannot affect only the person who takes them—and not his spouse, children, neighbors, or employers. No man, except possibly a hermit, is an island; and so it is virtually impossible for Mill's principle to apply to any human action whatever, let alone shooting up heroin or smoking crack. Such a principle is virtually useless in determining what should or should not be permitted.

Perhaps we ought not be too harsh on Mill's principle: it's not clear that anyone has ever thought of a better one. But that is precisely the point. Human affairs cannot be decided by an appeal to an infallible rule, expressible in a few words, whose simple application can decide all cases, including whether drugs should be freely available to the entire adult population. Philosophical fundamentalism is not preferable to the religious variety; and because the desiderata of human life are many, and often in conflict with one another, mere philosophical inconsistency in policy—such as permitting the consumption of alcohol while outlawing cocaine—is not a sufficient argument against that policy. We all value freedom, and we all value order; sometimes we sacrifice freedom for order, and sometimes order for freedom. But once a prohibition has been removed, it is hard to restore, even when the newfound freedom proves to have been ill-conceived and socially disastrous.

Even Mill came to see the limitations of his own principle as a guide for policy and to deny that all pleasures were of equal significance for human existence. It was better, he said, to be Socrates discontented than a fool satisfied. Mill acknowledged that some goals were intrinsically worthier of pursuit than others.

This being the case, not all freedoms are equal, and neither are all limitations of freedom: some are serious and some trivial. The freedom we cherish—or should cherish—is not merely that of satisfying our appetites, whatever they happen to be. We are not Dickensian Harold Skimpoles, exclaiming in protest that "Even the butterflies are free!" We are not children who chafe at restrictions *because* they are restrictions. And we even recognize the apparent paradox that some limitations to our freedoms have the consequence of making us freer overall. The freest man is not the one who slavishly follows his appetites and desires throughout his life—as all too many of my patients have discovered to their cost.

We are prepared to accept limitations to our freedoms for many reasons, not just that of public order. Take an extreme hypothetical case: public exhibitions of necrophilia are quite rightly not permitted, though on Mill's principle they should be. A corpse has no interests and cannot be harmed, because it is no longer a person; and no member of the public is harmed if he has agreed to attend such an exhibition.

Our resolve to prohibit such exhibitions would not be altered if we discovered that millions of people wished to attend them or even if we discovered that millions already were attending them illicitly. Our objection is not based upon pragmatic considerations or upon a head count: it is based upon the wrongness of the would-be exhibitions themselves. The fact that the prohibition represents a genuine restriction of our freedom is of no account.

It might be argued that the freedom to choose among a variety of intoxicating substances is a much more important freedom and that millions of people have derived innocent fun from taking stimulants and narcotics. But the consumption of drugs has the effect of reducing men's freedom by circumscribing the range of their interests. It impairs their ability to pursue more important human aims, such as raising a family and fulfilling civic obligations. Very often it impairs their ability to pursue gainful employment and promotes parasitism. Moreover, far from being expanders of consciousness, most drugs severely limit it. One of the most striking characteristics of drug takers is their intense and tedious self-absorption; and their journeys into inner space are generally forays into inner vacuums. Drug taking is a lazy man's way of pursuing happiness and wisdom, and the shortcut turns out to be the deadest of dead ends. We lose remarkably little by not being permitted to take drugs.

The idea that freedom is merely the ability to act upon one's whims is surely very thin and hardly begins to capture the complexities of human existence; a man whose appetite is his law strikes us not as liberated but enslaved. And when such a narrowly conceived freedom is made the touchstone of public policy, a dissolution of society is bound to follow. No culture that makes publicly sanctioned self-indulgence its highest good can long survive: a radical egotism is bound to ensue, in which any limitations upon personal behavior are experienced as infringements of basic rights. Distinctions between the important and the trivial, between the freedom to criticize received ideas and the freedom to take LSD, are precisely the standards that keep societies from barbarism.

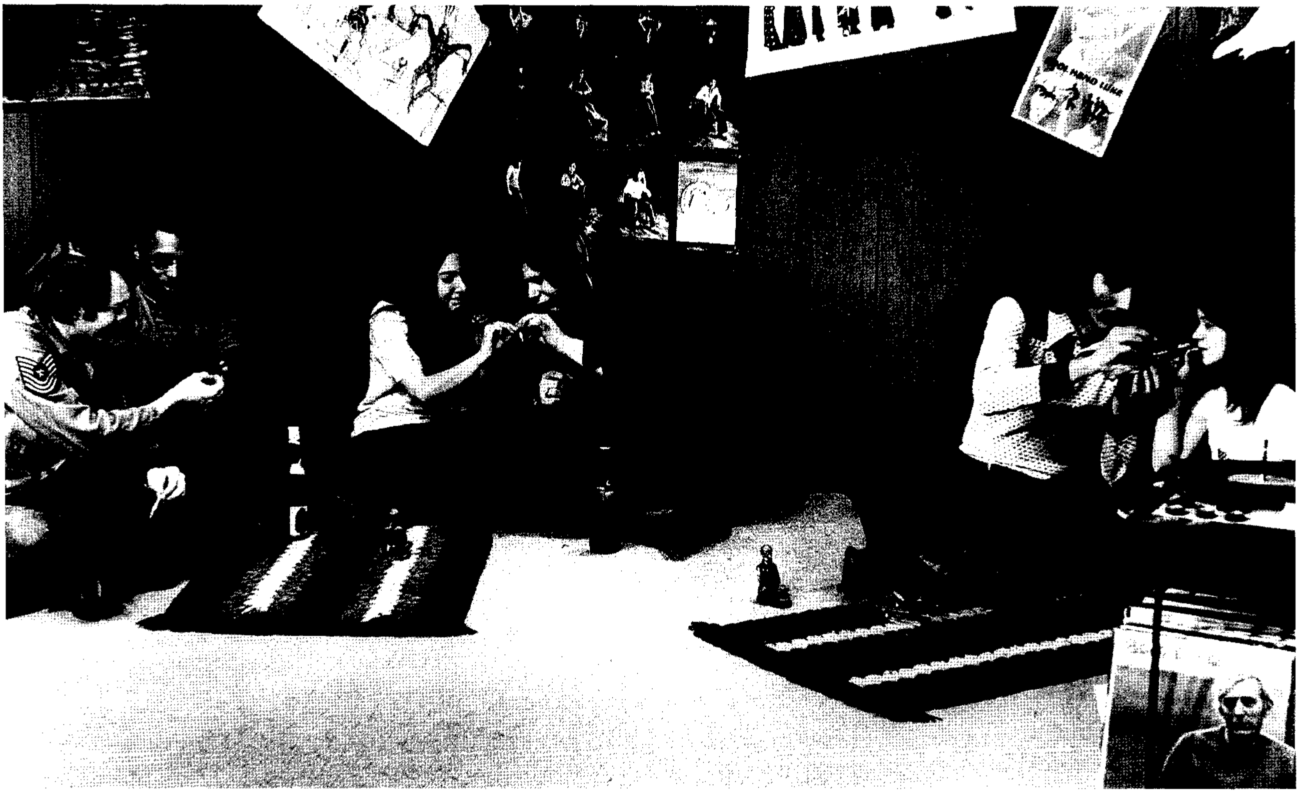
So the legalization of drugs cannot be supported by philosophical principle. But if the pragmatic argument in favor of legalization were strong enough, it might overwhelm other objections. It is upon this argument that proponents of legalization rest the larger part of their case.

The argument is that the overwhelming majority of the harm done to society by the consumption of currently illicit drugs is caused not by their pharmacological properties but by their prohibition and the resultant criminal activity that prohibition always calls into being. Simple reflection tells us that a supply invariably grows up to meet a demand; and when the demand is widespread, suppression is useless. Indeed, it is harmful, since—by raising the price of the commodity in question—it raises the profits of middlemen, which gives them an even more powerful incentive to stimulate demand further. The vast profits to be made from cocaine and heroin—which, were it not for their illegality, would be cheap and easily affordable even by the poorest in affluent societies—exert a deeply corrupting effect on producers, distributors, consumers, and law enforcers alike. Besides, it is well known that illegality in itself has attractions for youth already inclined to disaffection. Even many of the harmful physical effects of illicit drugs stem from their illegal status: for example, fluctuations in the purity of heroin bought on the street are responsible for many of the deaths by overdose. If the sale and consumption of such drugs were legalized, consumers would know how much they were taking and thus avoid overdoses.

Moreover, since society already permits the use of some mind-altering substances known to be both addictive and harmful, such as alcohol and nicotine, in prohibiting others it appears hypocritical, arbitrary, and dictatorial. Its hypocrisy, as well as its patent failure to enforce its prohibitions successfully, leads inevitably to a decline in respect for the law as a whole. Thus things fall apart, and the center cannot hold.

It stands to reason, therefore, that all these problems would be resolved at a stroke if everyone were permitted to smoke, swallow, or inject anything he chose. The corruption of the police, the luring of children of 11 and 12 into illegal activities, the making of such vast sums of money by drug dealing that legitimate work seems pointless and silly by comparison, and the turf wars that make poor neighborhoods so exceedingly violent and dangerous, would all cease at once were drug taking to be decriminalized and the supply regulated in the same way as alcohol.

Once a prohibition has been removed, it is hard to restore, even when the newfound freedom proves to have been ill-conceived and socially disastrous.



UPI/CORBIS-BETTMANN

. . . is a far cry from the utopian fantasies of the sixties.

But a certain modesty in the face of an inherently unknowable future is surely advisable. That is why prudence is a political virtue: what stands to reason *should* happen does not necessarily happen in practice. As Goethe said, all theory (even of the monetarist or free-market variety) is gray, but green springs the golden tree of life. If drugs were legalized, I suspect that the golden tree of life might spring some unpleasant surprises.

It is of course true, but only trivially so, that the present illegality of drugs is the cause of the criminality surrounding their distribution. Likewise, it is the illegality of stealing cars that creates car thieves. In fact, the ultimate cause of all criminality is law. As far as I am aware, no one has ever suggested that law should therefore be abandoned. Moreover, the impossibility of winning the "war" against theft, burglary, robbery, and fraud has never been used as an argument that these categories of crime should be abandoned. And so long as the demand for material goods outstrips supply, people will be tempted to commit criminal acts against the owners of property. This is not an argument, in my view, against private property or in favor of the common ownership of all goods. It does suggest, however, that we shall need a police force for a long time to come.

In any case, there are reasons to doubt whether the crime rate would fall quite as dramatically as advocates of legalization have suggested. Amsterdam, where access to drugs is relatively unproblematic, is among the most violent and squalid cities in Europe. The idea behind crime—of getting rich, or at least richer, quickly and without much effort—is unlikely to disappear once drugs are freely available to all who want them. And it may be that officially sanctioned antisocial behavior—the official lifting of taboos—breeds yet more antisocial behavior, as the "broken windows" theory would suggest.

Having met large numbers of drug dealers in prison, I doubt that they would return to respectable life if the principal article of their commerce were to be legalized. Far from evincing a desire to be reincorporated into the world of regular work, they express a deep contempt for it and regard those who accept the bargain of a fair day's work for a fair day's pay as cowards and fools. A life of crime has its attractions for many who would otherwise lead a mundane existence. So long as there is the possibility of a lucrative racket or illegal traffic, such people will find it and extend its scope. Therefore, since even legalizers would hesitate to allow children to take drugs, decriminalization might easily result in dealers turning their attentions to younger and younger children, who—in the permissive atmosphere that even now prevails—have already been inducted into the drug subculture in alarmingly high numbers.

Those who do not deal in drugs but commit crimes to fund their consumption of them are, of course, more numerous than large-scale dealers. And it is true that once opiate addicts, for example, enter a treatment program, which often includes maintenance doses of methadone, the rate at which they commit crimes falls markedly. The drug clinic in my hospital claims an 80 percent reduction in criminal convictions among heroin addicts once they have been stabilized on methadone.

This is impressive, but it is not certain that the results should be generalized. First, the patients are self-selected: they have some motivation to change, otherwise they would not have attended the clinic in the first place. Only a minority of addicts attend, and therefore it is not safe to conclude that, if other addicts were to receive methadone, their criminal activity would similarly diminish.

Second, a decline in convictions is not necessarily the same as a decline in criminal acts. If methadone stabilizes an addict's life, he may become a more efficient, harder-to-catch criminal. Moreover, when the police in our city do catch an addict, they are less likely to prosecute him if he can prove that he is undergoing anything remotely resembling psychiatric treatment. They return him directly to his doctor. Having once had a psychiatric consultation is an all-purpose alibi for a robber or a burglar; the police, who do not want to fill in the 40-plus forms it now takes to charge anyone with anything in England, consider a single contact with a psychiatrist sufficient to deprive anyone of legal responsibility for crime forever.

Third, the rate of criminal activity among those drug addicts who receive methadone from the clinic, though reduced, remains very high. The deputy director of the clinic estimates that the number of criminal acts committed by his average patient (as judged by self-report) was 250 per year before entering treatment and 50 afterward. It may well be that the real difference is considerably less than this, because the patients have an incentive to exaggerate it to secure the continuation of their methadone. But clearly, opiate addicts who receive their drugs legally and free of charge continue to commit large numbers of crimes. In my clinics in prison, I see numerous prisoners who were on methadone when they committed the crime for which they are incarcerated.

Why do addicts given their drug free of charge continue to commit crimes? Some addicts, of course, continue to take drugs other than those prescribed and have to fund their consumption of them. So long as any restriction whatever regulates the consumption of drugs, many addicts will seek them illicitly, regardless of what they receive legally. In addition, the drugs themselves exert a long-term effect on a person's ability to earn a living and severely limit rather than expand his horizons and mental repertoire. They sap the will or the ability of an addict to make long-term plans. While drugs are the focus of an addict's life, they are not all he needs to live, and many addicts thus continue to procure the rest of what they need by criminal means.

For the proposed legalization of drugs to have its much vaunted beneficial effect on the rate of criminality, such drugs would have to be both cheap and readily available. The legalizers assume that there is a natural limit to the demand for these drugs, and that if their consumption were legalized, the demand would not increase substantially. Those psychologically unstable persons currently taking drugs would continue to do so, with the necessity to commit crimes removed, while psychologically stabler people (such as you and I and our children) would not be enticed to take drugs by their new legal status and cheapness. But price and availability, I need hardly say, exert a profound effect on consumption: the cheaper alcohol becomes, for example, the more of it is consumed, at least within quite wide limits.

I have personal experience of this effect. I once worked as a doctor on a British government aid project to Africa. We were building a road through remote African bush. The contract stipulated that the construction company could import, free of all taxes, alcoholic drinks from the United Kingdom. These drinks the company then sold to its British workers at cost, in the local currency at the official exchange rate, which was approximately one-sixth the black-market rate. A liter bottle of gin thus cost less than a dollar and could be sold on the open market for almost ten dollars. So it was theoretically possible to remain dead drunk for several years for an initial outlay of less than a dollar.

Of course, the necessity to go to work somewhat limited the workers' consumption of alcohol. Nevertheless, drunkenness among them far outstripped anything I have ever seen, before or since. I discovered that, when alcohol is effectively free of charge, a fifth of British construction workers will regularly go to bed so drunk that they are incontinent both of urine and feces. I remember one man who very rarely got as far as his bed at night: he fell asleep in the lavatory, where he was usually found the next morning. Half the men shook in the mornings and resorted to the hair of the dog to steady their hands before they drove their bulldozers and other heavy machines (which they frequently wrecked, at enormous expense to the British taxpayer); hangovers were universal. The men were either drunk or hung over for months on end.

Sure, construction workers are notoriously liable to drink heavily, but in these circumstances even formerly moderate drinkers turned alcoholic and eventually suffered from delirium tremens. The heavy drinking occurred not because of the isolation of the African bush: not only did the company provide sports facilities for its workers, but there were many other ways to occupy oneself there. Other groups of workers in the bush whom I visited, who did not have the same rights of importation of alcoholic drink but had to purchase it at normal prices, were not nearly as drunk. And when the company asked its workers what it could do to improve their conditions, they unanimously asked for a further reduction in the price of alcohol, because they could think of nothing else to ask for.

The conclusion was inescapable: that a susceptible population had responded to the low price of alcohol, and the lack of other effective restraints upon its consumption, by drinking destructively large quantities of it. The health of many men suffered as a consequence, as did their capacity for work; and they gained a well-deserved local reputation for reprehensible, violent, antisocial behavior.

It is therefore perfectly possible that the demand for drugs, including opiates, would rise dramatically were their price to fall and their availability to increase. And if it is true that the consumption of these drugs in itself predisposes to criminal behavior (as data from our clinic suggest), it is also possible that the effect on the rate of criminality of this rise in consumption would swamp the decrease that resulted from decriminalization. We would have just as much crime in aggregate as before, but many more addicts.

The intermediate position on drug legalization, such as that espoused by Ethan Nadelmann, director of the Lindesmith Center, a drug policy research institute sponsored by financier George Soros, is emphatically not the answer to drug-related crime. This view holds that it should be easy for addicts to receive opiate drugs from doctors, either free or at cost, and that they should receive them in municipal injecting rooms, such as now exist in Zurich. But just look at Liverpool, where 2,000 people of a population of 600,000 receive official prescriptions for methadone: this once proud and prosperous city is still the world capital of drug-motivated burglary, according to the police and independent researchers.

Of course, many addicts in Liverpool are not yet on methadone, because the clinics are insufficient in number to deal with the demand. If the city expended more money on clinics, perhaps the number of addicts in treatment could be increased five- or tenfold. But would that solve the problem of burglary in Liverpool? No, because the profits to be made from selling illicit opiates would still be large: dealers would therefore make efforts to expand into parts of the population hitherto relatively untouched, in order to protect their profits. The new addicts would still burgle to feed their habits. Yet more clinics dispensing yet more methadone would then be needed. In fact Britain, which has had a relatively liberal approach to the prescribing of opiate drugs to addicts since 1928 (I myself have prescribed heroin to addicts), has seen an explosive increase in addiction to opiates and all the evils associated with it since the 1960s, despite that liberal policy. A few hundred have become more than a hundred thousand.

At the heart of Nadelmann's position, then, is an evasion. The legal and liberal provision of drugs for people who are already addicted to them will not reduce the economic benefits to dealers of pushing these drugs, at least until the entire susceptible population is addicted and in a treatment program. So long as there are addicts who have to resort to the black market for their drugs, there will be drug-associated crime. Nadelmann assumes that the number of potential addicts wouldn't soar under considerably more liberal drug laws. I can't muster such Panglossian optimism.

The problem of reducing the amount of crime committed by individual addicts is emphatically not the same as the problem of reducing the amount of crime committed by addicts as a whole. I can illustrate what I mean by an analogy: it is often claimed that prison does not work because many prisoners are recidivists who, by definition, failed to be deterred from further wrongdoing by their last prison sentence. But does any sensible person believe that the abolition of prisons in their entirety would not reduce the numbers of the law-abiding? The murder rate in New York and the rate of drunken driving in Britain have not been reduced by a sudden upsurge in the love of humanity, but by the effective threat of punishment. An institution such as prison can work for society even if it does not work for an individual.

The situation could be very much worse than I have suggested hitherto, however, if we legalized the consumption of drugs other than opiates. So far, I have considered only opiates, which exert a generally tranquilizing effect. If opiate addicts commit crimes even when they receive their drugs free of charge, it is because they are unable to meet their other needs any other way; but there are, unfortunately, drugs whose consumption directly leads to violence because of their psychopharmacological properties and not merely because of the criminality associated with their distribution. Stimulant drugs such as crack cocaine provoke paranoia, increase aggression, and promote violence. Much of this violence takes place in the home, as the relatives of crack takers will testify. It is something I know from personal acquaintance by working in the emergency room and in the wards of our hospital. Only someone who has not been assaulted by drug takers rendered psy-

Only someone who has not been assaulted by drug takers rendered psychotic by their drug could view with equanimity the prospect of the further spread of the abuse of stimulants.

chotic by their drug could view with equanimity the prospect of the further spread of the abuse of stimulants.

And no one should underestimate the possibility that the use of stimulant drugs could spread very much wider, and become far more general, than it is now, if restraints on their use were relaxed. The importation of the mildly stimulant khat is legal in Britain, and a large proportion of the community of Somali refugees there devotes its entire life to chewing the leaves that contain the stimulant, miring these refugees in far worse poverty than they would otherwise experience. The reason that the khat habit has not spread to the rest of the population is that it takes an entire day's chewing of disgustingly bitter leaves to gain the comparatively mild pharmacological effect. The point is, however, that once the use of a stimulant becomes culturally acceptable and normal, it can easily become so general as to exert devastating social effects. And the kinds of stimulants on offer in Western cities—cocaine, crack, amphetamines—are vastly more attractive than khat.

In claiming that prohibition, not the drugs themselves, is the problem, Nadelmann and many others—even policemen—have said that "the war on drugs is lost." But to demand a yes or no answer to the question "Is the war against drugs being won?" is like demanding a yes or no answer to the question "Have you stopped beating your wife yet?" Never can an unimaginative and fundamentally stupid metaphor have exerted a more baleful effect upon proper thought.

Let us ask whether medicine is winning the war against death. The answer is obviously no, it isn't winning: the one fundamental rule of human existence remains, unfortunately, one man one death. And this is despite the fact that 14 percent of the gross domestic product of the United States (to say nothing of the efforts of other countries) goes into the fight against death. Was ever a war more expensively lost? Let us then abolish medical schools, hospitals, and departments of public health. If every man has to die, it doesn't matter very much when he does so. If the war against drugs is lost, then so are the wars against theft, speeding, incest, fraud, rape, murder, arson, and illegal parking. Few, if any, such wars are winnable. So let us all do anything we choose.

Even the legalizers' argument that permitting the purchase and use of drugs as freely as Milton Friedman suggests will necessarily result in less governmental and other official interference in our lives doesn't stand up. To the contrary, if the use of narcotics and stimulants were to become virtually universal, as is by no means impossible, the number of situations in which compulsory checks upon people would have to be carried out, for reasons of public safety, would increase enormously. Pharmacies, banks, schools, hospitals—indeed, all organizations dealing with the public—might feel obliged to check regularly and randomly on the drug consumption of their employees. The general use of such drugs would increase the *locus standi* of innumerable agencies, public and private, to interfere in our lives; and freedom from interference, far from having increased, would have drastically shrunk.

The present situation is bad, undoubtedly; but few are the situations so bad that they cannot be made worse by a wrong policy decision. The extreme intellectual elegance of the proposal to legalize the distribution and consumption of drugs, touted as the solution to so many problems at once (AIDS, crime, overcrowding in the prisons, and even the attractiveness of drugs to foolish young people) should give rise to skepticism. Social problems are not usually like that. Analogies with the Prohibition era, often drawn by those who would legalize drugs, are false and inexact: it is one thing to attempt to ban a substance that has been in customary use for centuries by at least nine-tenths of the adult population, and quite another to retain a ban on substances that are still not in customary use, in an attempt to ensure that they never do become customary. Surely we have already slid down enough slippery slopes in the last 30 years without looking for more such slopes to slide down. ●

Behind the Hundred Neediest Cases

Heather Mac Donald

It was no favor to the poor when the *New York Times*'s annual appeal, which for 85 years has voiced the elite view of poverty, decided that the needy were not responsible for their own fate.

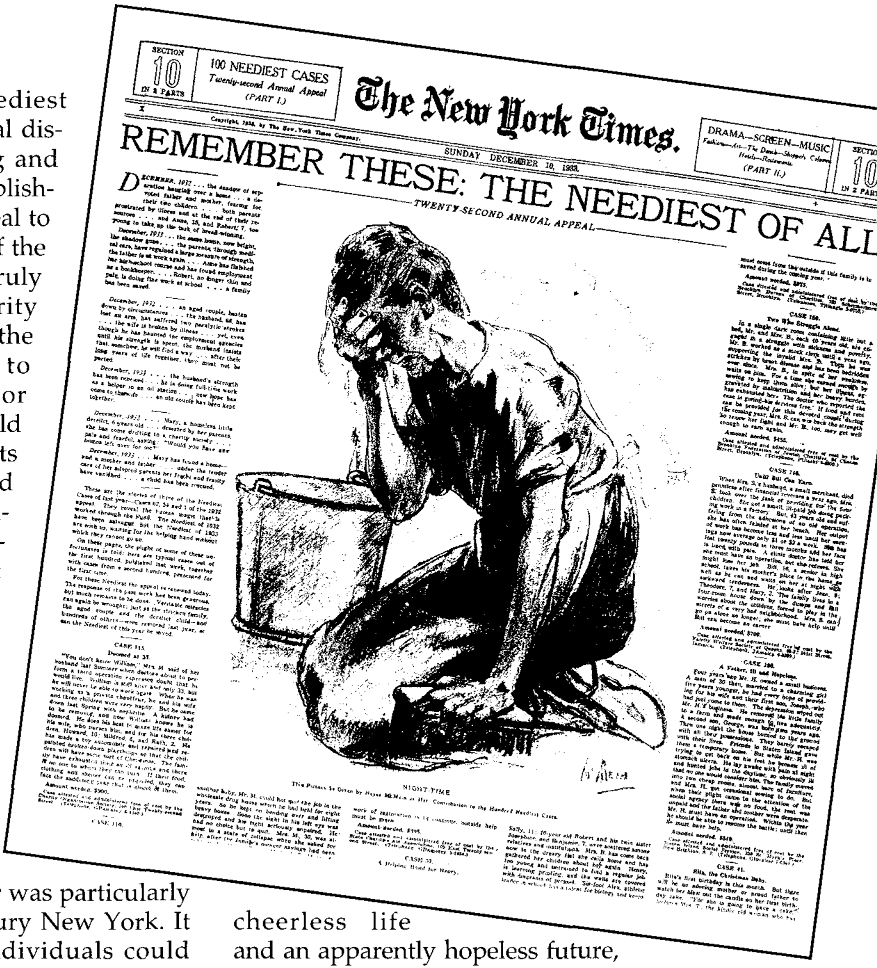
On December 15, 1912, the *New York Times* ran a highly unorthodox headline: SANTA CLAUS PLEASE TAKE NOTICE! HERE ARE NEW YORK'S 100 NEEDIEST CASES. The equally unorthodox story began: "Fathoms deep beneath the exhilaration and joyousness of Christmas there is a world of desolation and hunger which few of the dwellers in light and air have had time or chance to realize; the world of famine in the midst of plenty, of cruel heart and body hunger with bounty in sight, but not in reach." There followed 100 short case histories of what the *Times* called the "uttermost dregs of the city's poor," culled from the files of the city's three largest charity organizations.

The response was immediate: food, blankets, toys, and clothing poured into the *Times*'s offices, along with offers of adoption, employment, and medical care. The "Hundred Neediest Cases" appeal became an instant Christmas tradition, growing exponentially from its first $3,630.88 to reach nearly $5 million annually today.

Behind this growth lies a profound change, however. The prototypical needy case in the first decades of the appeal was a struggling widow or plucky orphan; today's is more likely to be a single mother of five who finds her welfare check inadequate. This change reflects one of the century's most momentous cultural developments: the transformation of elite opinion regarding poverty and need. The elite once held the poor to the same standards of behavior that it set for itself: moral character determined the strength of a person's claim for assistance. Those who worked and struggled and yet were overwhelmed by adversity deserved help; the idle and dissolute did not. Over time, though, elite opinion came to see the cause of poverty not in individual character and behavior but in vast, impersonal social and economic forces that supposedly determined individual fate. In response, need became the sole criterion for aid, with moral character all but irrelevant. The Neediest Cases appeal concludes this century an agnostic regarding individual responsibility and a strident advocate of the welfare state. The story of how it got there traces the rise of moral relativism among opinion and policy makers, the triumph of the entitlement ethos, and the transformation of the *New York Times* itself into a proponent of victimology and double standards.

Behind the Hundred Neediest Cases

At the heart of the first Neediest Cases appeals lay a crucial moral distinction between the deserving and the undeserving poor. *Times* publisher Adolph Ochs started the appeal to channel the charitable impulse of the Christmas season toward the truly needy, as certified by the charity organizations that distributed the donations. Those who tried to make a career out of poverty or refused to help themselves would not get aid. Unapologetic about its moral approach, the *Times* opened its 1913 appeal with this admonition: "Because the Christmas spirit is strong within you, do not give to the professional beggars on the streets, unworthy, all of them, and often criminals." Such "indiscriminate giving" only encouraged pauperism. The *Times* proposed to educate readers into a deeper understanding of poverty.



SECTION 10 IN 2 PARTS

100 NEEDIEST CASES
Twenty-second Annual Appeal
(PART I.)

The New York Times.

DRAMA—SCREEN—MUSIC
(PART II.)

Copyright, 1933, by The New York Times Company.

SUNDAY, DECEMBER 10, 1933.

REMEMBER THESE: THE NEEDIEST OF ALL

TWENTY-SECOND ANNUAL APPEAL

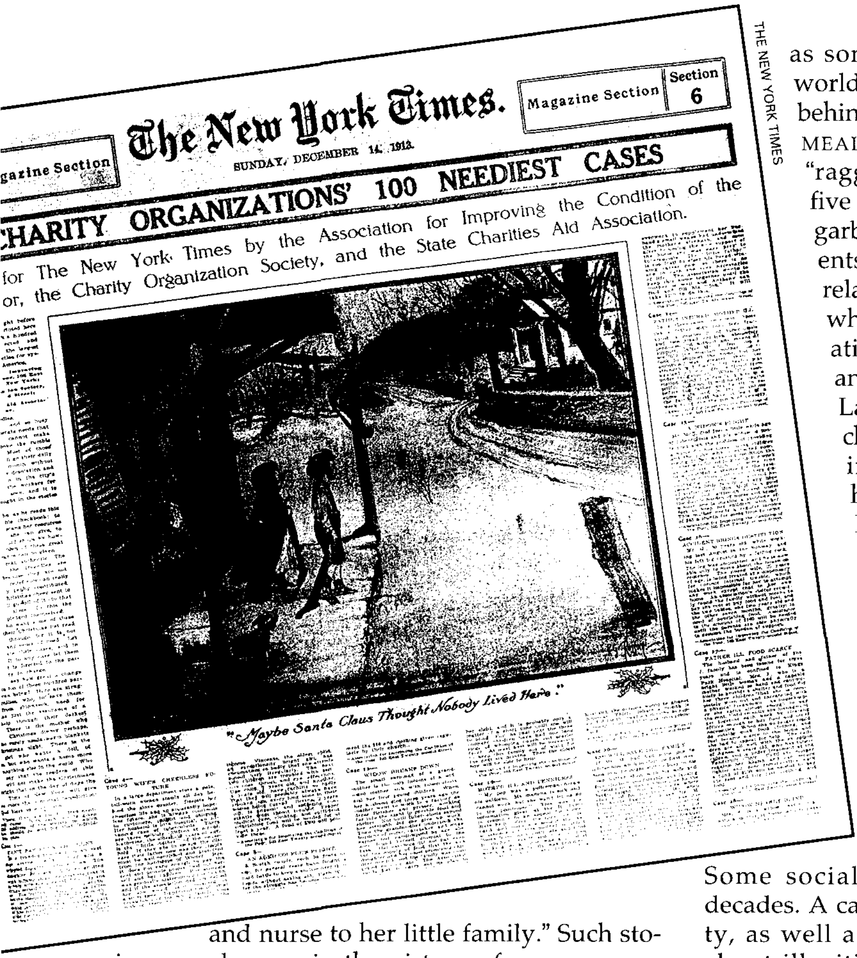
The distinction between the deserving and undeserving poor was particularly relevant to early twentieth-century New York. It was a world where upright individuals could work extraordinarily hard—as factory hands, seamstresses, and laundresses—and still be poor. Misfortune was everywhere. Tuberculosis and other diseases crippled or killed entire families. Mental illness sent children and adults alike to "institutions." Most important, no government safety net existed; private charity was the sole external resource available to the poor.

The first case histories reflected these hard realities, with tuberculosis, in particular, a leitmotif. What is most striking about the articles is their moral fervor, often shading into sentimentality. They made strong emotional appeals, emphasizing family values and individual courage. A case headlined YOUNG WIFE'S CHEERLESS FUTURE from 1913 is typical in accentuating the pathos of its subject: "In a large department store a pale, toil-worn woman stands all day behind the glove counter. Despite her cheerless life and an apparently hopeless future, she is always courteous to customers, patient and obliging. Her husband is in a hospital, an advanced case of tuberculosis. There are three delicate children at school." The young wife is on the verge of a physical collapse, her wages insufficient to pay the rent and provide food. The article asks for assistance until 13-year-old Katherine, the oldest of the children, is "ready to help."

Case 92 from 1912 struck another familiar theme—the orphan "little mother": "A girl of 19 is being father and mother both to a cluster of little brothers and sisters, six in number, and her next youngest brother, now 16, is helping her as much as he can. She spends her days in a shop and her nights at home as a cook, dressmaker,

---

Research for this article was supported by the Brunie Fund for New York Journalism.



gazine Section

The New York Times.

Magazine Section

Section 6

SUNDAY, DECEMBER 14, 1913.

HARITY ORGANIZATIONS' 100 NEEDIEST CASES

for The New York Times by the Association for Improving the Condition of the

or, the Charity Organization Society, and the State Charities Aid Association.

"Maybe Santa Claus Thought Nobody Lived Here."

THE NEW YORK TIMES

and nurse to her little family." Such stories were lessons in the virtues of perseverance and responsibility.

Widows also dominated the first decades of the appeal, their plight described with unabashed emotionalism. A 20-year-old widow from 1912, for example, too frail from childbirth to support herself, is "resisting with all her might and main the impulse to send her child to an institution because it is the one beautiful and wonderful thing left to her of her starved and chilled romance." This emphasis on the innocence and worthiness of the charity recipients prevailed for the next four decades.

Throughout the twenties the *Times* held firmly to its moralized view of poverty and asserted the rectitude and purity of its beneficiaries, even when, as sometimes happened, a Hogarthian world of social squalor peeped out from behind them. A 1921 case headlined GOT MEALS FROM ASHCANS described two "ragged, unwashed" sisters, seven and five years old, who fed themselves from garbage cans. Abandoned by their parents, they were passed around among relatives living "in crowded shant[ies]" who didn't want them: "At first the relatives put them on the floor at night and let them cry themselves to sleep. Later they put them along the wall on chairs which served as beds for more important members of the household. When sound asleep, Doris and Fanny would be lifted out and placed on the floor, to make the chair beds available for the real owners. They are undernourished and suffering from severe skin troubles due to the ashcan diet. . . ." Yet the story concluded: The "good stuff in [the sisters] is indestructible. They are still two sweet, good-tempered, bright little girls."

Some social problems remained taboo for decades. A case from 1921 stands out for its rarity, as well as for its discreet circumlocutions about illegitimacy: "Mildred, very young and inexperienced, left the city telling her family and friends that she had work in another city. Several months later she returned, explaining that it had been unsatisfactory. She now has a position which barely enables her to support herself. Leaving her parents, she goes out alone, on one excuse or another, as frequently as she can, and visits a place were she sees Shirley, a tiny, blue-eyed baby. Mildred's earnings are so small that she can only partially pay for the child's board. She is greatly worried over money, and feels her position keenly. So far she has concealed everything from her family and her friends, but she has almost made up her mind to take Shirley home with her and let people think what they will. She wants to do what is right, but the situation is extremely perplexing." Nineteen twenty-one being a different era, Mildred's case elicited a marriage proposal from a sympathetic reader.

In 1921 an illegitimate birth was a crisis. For decades thereafter, a reference to a broken promise of marriage accompanied any mention of illegitimacy in the pages of the appeal. The illegitimate children were always sent to a foster home, on the assumption that an unmarried mother was an inappropriate parent.

In its early years the Hundred Neediest Cases exerted an enormous pull on New Yorkers' imaginations, even finding its way into novels of the time. The appeal was highly individualized: contributors could earmark their donations for a specific case, and each case listed a specific amount needed—at most, several hundred dollars. Donors therefore had a sense of making an immediate difference in individual lives.

The stock market crash of 1929 passed without mention in the Neediest Cases appeal, but the Great Depression most definitely did not. The appeal's response to the depression is a telling moment in its early history. On the eve of the welfare state's birth, the fund stressed its own voluntary nature: "The fate of these hundred cases rests entirely with the conscience of the reader. There is no compulsion to give." Rather than using the depression as a lever for its fund-raising, the charity drive sharply distinguished its purpose from that of the public welfare programs just then being launched. The Neediest Cases, the *Times* said in 1933, were "victims not of economic storms but of life itself," having "been stricken with still greater misfortune [than unemployment]." The paper worried that the "ill, the helpless, the deserted ones" would be overlooked in the nation's massive response to joblessness.

And indeed, the cases from the thirties were no different from those of the preceding two decades. As ever, the paper stressed the moral qualities of the recipients. A case from 1933 crystallized the genre: "No combination of troubles, it seems, can quench the spirit of Selina G. At 71 she is sick in a hospital ward. After a lifetime of struggle, she thinks up 'last lines' to speak to the welfare visitor: 'Good-bye. I'll see you next week. That is if I don't elope.' . . . A half century ago, while she was still a young bride, Selina had to support her husband, whose lungs had become affected by his work in a tannery. She did this for the twenty years he lived, a confirmed invalid. She kept on supporting herself by domestic service until stomach ulcers forced her to stop two years ago. . . . Then she was taken to the hospital, a very sick old woman and a little frightened, though she tried to hide that with her badinage."

As public relief programs grew in scope, however, the fund had to confront its relationship to them. "It will be asked, quite understandably, why private charity should be necessary in these days when the government is providing relief on so vast a scale," acknowledged the *Times* in 1937. The answer to this question, posed almost yearly over the next two decades, was in constant flux. Sometimes the *Times* would explain that the fund attended to matters of the spirit while public relief tended to material needs; other times, that the fund helped those who did not qualify for public assistance; and at yet others, that the fund provided specialized services (such as rehabilitation and medicine) unavailable publicly. But no matter how the *Times* defined the fund's role vis-à-vis welfare, up through the sixties it always presented public relief as an act of remarkable generosity on the part of the public, not as an entitlement.

If the appeal's sunny disposition toward public relief appears refreshingly innocent today, that is because welfare did not represent the same constellation of problems as it does now. "We didn't worry about long-term dependency back then," recalls Arthur Gelb, a former *Times* managing editor, who wrote the Neediest Cases profiles in 1944 and 1945. Today Gelb oversees the appeal as president of the New York Times Company Foundation. The forties were a more innocent world, he says: "The stigma of going on relief was so great that it was inconceivable to stay on. People kept their heads high." Even the movies reinforced the ideal of independence, Gelb recalls: "All the heroes had an idea: get out of poverty, get a job, because you have to earn a living on your own." The appeal itself constantly lauded the work ethic.

In December 1942 the *Times*'s front page rang with news of battles between the Allies and the Axis powers in Tunisia and Burma. Locally, juvenile delinquency in New York City schools was rising, a fact attributed to the war. Opening the 1942 drive, the *Times* posed its regular question: " 'Is it possible,' you may ask, 'that in these days of public relief and war employment there are still those who need my aid?' " Its answer this time—and from then on—stressed the fund's newest priorities: counseling and therapy. "Psychological problems," the paper said, "are often more pressing than physical ones." For the first time, in 1942 the *Times* included the cost of counseling in the amount requested for each case.

The rise in juvenile delinquency certainly confirmed a growing spiritual malaise. But in contrast to older models of social work, which had stressed the moral reformation of the poor, the Hundred Neediest Cases increasingly incorporated trendy psychoanalytic explanations for, and responses to, social problems. Lack of "self-fulfillment" was starting to take its place among recognized personal ills. A 1942 case was headlined BEGINNING TO FIND HERSELF; another case described an aspiring artist burdened with a guardian aunt, wholly unsympathetic to her artistic hopes, who believed that the girl's proper place was at the lingerie counter of a department store.

"We didn't worry about long-term dependency back then. The stigma of going on relief was so great that it was inconceivable to stay on. People kept their heads high."

A few cases began to anticipate, faintly, today's pervasive social dislocations. One described a baby found bruised, with a swollen forehead. The mother, picked up roaming the streets, claimed that the child had injured herself. The unemployed father had "irresponsibly" deserted the family, said the *Times*. But both society's and the *Times*'s response to such problems remained firmly moral, rooted in notions of individual responsibility. The mother was committed to an asylum, the child put up for adoption—both actions based on recognition of the mother's unfitness. In those days the *Times* did not shrink from labeling parents irresponsible or incompetent.

The postwar years saw the triumph of the psychoanalytic model. Contemporary thinking about family relations found its way into the drive, particularly the newly fashionable problem of "overly strict" child rearing, which reflected the emerging elite condemnation of traditional families. The case histories presented illegitimacy and juvenile delinquency as products of repressive childhoods, and social workers taught parents to give their straying children more freedom as an antidote to "rebellion."

Other family dramas unfolded in the Neediest Cases: a mother in 1949 was "terrified of becoming the kind of mother [her] mother was"; a periodically abandoned wife and mother was counseled to gain a "more objective view of her marriage" with an eye toward divorce. Social ties were starting to loosen—divorce was growing more prevalent, children more unmanageable. In one 1949 case a 21-year-old woman, who "never felt she had a real home" because her parents had divorced, had an illegitimate son after her lover broke his marriage promise. Six years later the son had become a troublemaker and petty thief. According to the *Times*, a "psychiatric examination showed that his problems stemmed largely from a need for more attention from his mother." On the advice of the Brooklyn Bureau of Social Service, the mother quit her job and went on public assistance so as to give her son the "companionship he craves."

Such wrongheaded intervention in the lives of troubled families would go on to have a long history in the Neediest Cases. To take one example from our own day, a story in early 1996 headlined THERAPY HELPS A PROTECTIVE MOTHER COPE told an unintentionally heartbreaking tale of traditional values destroyed by liberal elites. A Guyanese single mother was allegedly causing "stress" in her son with her "rigid rules" against jeans and sneakers—rules more appropriate, the *Times* noted with alarm, for a British private school. Then the mother started having her own "stress" and discovered, through therapy, that she had repressed her memories of childhood sexual abuse—the Holy Grail of counseling. Now, presumably freed from the demons that had erupted in so cruel a dress code for her son, the mother has loosened her restrictions on him. The counseling—by an older but no wiser Brooklyn Bureau of Community Service, now renamed—succeeded: he now sports an earring and baggy pants, the *Times* reported proudly.

As if in recognition of the changing emphasis of the fund, the *Times* in 1949 stopped listing the amount needed for each case, explaining that a dollar amount could not be put on the "psychological help" that the charitable agencies now provided. The earlier notion that a reader could provide the entire amount needed to help a specific individual get through a specific crisis gave way to the idea of more generalized, permanent assistance for ongoing social ills.

The year 1949 marked one more milestone for the appeal. The *Times* cast aside its long-standing convention of distinguishing the "deserving" from the "undeserving" poor: "What a bleak world it would be if we helped only those who were thoroughly blameless! A good many of us make our own bad luck, and we suppose that some of the people represented in the Neediest Cases would not be in trouble now if they had managed their lives differently. It may even be appropriate once in a while, when help is asked, to recall Lord Chesterfield's words: 'Do not refuse your charity even to those who have no merit but their misery.'"

"It may even be appropriate once in a while, when help is asked, to recall Lord Chesterfield's words: 'Do not refuse your charity even to those who have no merit but their misery.'"

One can only guess why the *Times* acknowledged the self-made bad luck of some of the Neediest Cases. Most likely the changing nature of the caseload simply forced itself upon the paper's attention. While the classic pure victims—widows and orphans—still generously leavened the appeal, they were matched by more troubling cases of family disintegration and irresponsibility—relatively innocuous compared to the raging social pathologies that would show up two decades later, but nevertheless noticeably different from the uplifting stories of triumph over adversity that dominated the first appeals.

Nineteen fifty-six was a year of extraordinary prosperity at home and increasing tension abroad. Cold-war consciousness infused even the appeal itself. The "health of a democratic society like ours" depends on voluntary assistance, wrote the city and state welfare directors in their statement on private philanthropy, a feature of the appeal since the Great Depression.

That same issue of the *Times* also contained a full-page ad for Elvis Presley's "latest and greatest" album, signaling the explosive arrival of the youth culture that peacetime prosperity had spawned. The 1956 Neediest Cases Fund documented the underside of that culture with an unprecedented amount of juvenile delinquency and gang activity. Children were growing disturbed and unmanageable.

By the sixties, all hell had broken loose. Truancy, delinquency, failure at school, illegitimacy, and parental abandonment pervaded the cases. The first case in 1965, headlined WAITING, described two children, two and three years old, who had been deserted by their mother in front of a candy store. "My mummy said to wait here," the three-year-old explained. In another case an 11-year-old with a shiftless, rowdy father was described as fitting the "familiar pattern of the pre-delinquent." A father was arrested for molesting a neighbor's child. Several of the cases had attempted suicide, some in their teens.

MICHELLE V. AGINS/THE NEW YORK TIMES

The 1996 appeal featured this welfare mother and her daughters.

The prosperity of the 1950s reached still greater heights in the 1960s, yet suddenly everybody seemed to be talking about poverty. In 1962, Michael Harrington published *The Other America,* which set the stage for the federal War on Poverty by arguing that America had ignored millions of poor people who had been victimized by the same forces that were making most Americans prosper. New York mayor John Lindsay launched his own local war on poverty when he came into office in 1965. It included a demand, announced on the first day of the 1965 Neediest Cases appeal, for federal job training money for women who were "family heads"—signaling the start of a fateful campaign to normalize and destigmatize the unmarried welfare-dependent mother.

In the midst of this ferment over poverty, the Neediest Cases Fund made a startling, if only implicit, acknowledgment: welfare dependency had become a problem. In their annual statement on behalf of the appeal, the state and city welfare commissioners argued that "the rehabilitation of dependent people requires the skilled help of the voluntary agency staffs, the pioneers in this field." Suddenly, the fund's purpose was no longer to assist the helpless but to wean the dependent off government aid—a monumental shift, which passed without further mention. Its implications, though, were huge: rather than eliminating poverty, the massive public effort to end it had worsened it, at least among younger, able-bodied people.

For all the social disintegration that was showing up in the appeal, one taboo remained—against the normalization of illegitimacy. As in past years, when women profiled in the appeal had an illegitimate child, the assumed next step was putting the child up for adoption. In one 1965 case, for example, a social worker was said to be helping an unwed 19-year-old mother "face up to the decision she must make" to relinquish her baby. But this long-standing social consensus was under attack. Already 90 percent of the 311,000 children in the city receiving public assistance were without a male parent in the household.

By 1969 the Hundred Neediest Cases Fund had hit the rock bottom of social squalor. The appeal itself recognized that the era was one of "growing social disorganization." Welfare was spiraling out of control both in the city and nationwide, thanks to the welfare rights movement. New York's rolls were rising at a monthly rate of 17,000—triple what Mayor Lindsay's budget had forecast. Crime, too, was out of control; the National Commission on the Causes and Prevention of Violence called American cities a "mixture of fortresses and places of terror."

The *Times*'s fund put faces on these troubling trends. In one case a drug-addicted mother had disappeared two years previously, the father was bringing women home and locking out his two teenage children overnight, the daughter was pregnant by an older man, and the mother, recently released from jail and back in touch, wanted the son to come live with her. In another case the ten-year-old daughter of a heroin-addicted father and a paroled drug-dealer mother said she remembered strange teenagers shooting up in her kitchen. An out-of-wedlock son of a 19-year-old mother, who was herself illegitimate and had lived "on the streets" since she was 15, languished in a foster home, hostage to the mother's refusal to give him up for adoption. Truancy and delinquency were rampant, and more and more of the profiled teen mothers were keeping their children and going on public assistance. The underclass had taken over the fund in a big way.

As the social and moral disintegration mounted, the *Times* made a profound change in its editorial line on the Neediest Cases Fund. Gone were the holiday paeans to the generosity of ordinary citizens; gone, too, was the paper's honesty about self-induced misfortune. Instead, this was the moment that the *Times* turned sour and became an apologist for the welfare state. The editorial opening the 1969 campaign began: "The fifty-eighth annual appeal for New York's Hundred Neediest Cases arrives at a moment in this country, state and city when there is some confusion about the poor among us and what they desire. Much of this talk has been ill-informed and theoretical, taking the harsh line that penury and despair are self-induced and that financial aid is going to the lazy and undeserving." The *Times* insisted that the appeal represented people "trapped in prisons of circumstance."

This one editorial contained in miniature the agenda for the cultural elite for the next two decades: first, to deny that welfare had become a trap and that conditions in the inner city reflected a moral, as much as an economic, decline; second, to disparage as greedy, unfeeling, and possibly even racist those who questioned the welfare status quo; and third, to insist that individuals acted not of their own free will but because of environmental conditions beyond their control. The modern era of the Neediest Cases had begun. From now on, the appeal would evolve into an increasingly strident and political platform for welfare advocacy. The moral certainties of the first decades of the appeal dissolved into a dogmatic "open-mindedness" about the various "life-style choices" that resulted in apparent need.

The format of the Hundred Neediest Cases appeal changed radically after 1972. That was the last year the *Times* printed profiles of all the cases simultaneously. It was also the last year the appeal was called the "Hundred Neediest Cases"; thereafter it became just the "Neediest Cases" and presented only one or two profiles at a time sporadically over many weeks. The *Times* never acknowledged or explained the change, but the nature of the few cases presented in 1972 may suggest a reason. Just one conveys the unprecedented degradation that now confronted *Times* readers: "Jennie" was a pregnant 17-year-old who had been raped by one of her mother's live-in "men friends." One brother was in jail for pushing heroin; the other two used drugs; she herself started using at age 13. Drugs had probably already affected her unborn child. She had attempted suicide. Catholic Charities was going to help her apply for public assistance so that "she will be free of her family and not have to depend on her friends." No mention was made of adoption: social service agencies by then embraced the view that single mothers should get public support to raise their illegitimate children.

Such social pathologies certainly were a challenge to the charitable impulse. For many years thereafter, instead of spotlighting the recipients, the appeal ran stories primarily on the agencies that distributed Neediest Cases money. One such profile, describing how the Community Service Society worked to divert youth in the South Bronx from the "delinquent-labeling process of the juvenile courts," seemed oblivious to the fact that some *Times* readers would deem the label "juvenile delinquent" perfectly appropriate for a teen criminal and wouldn't appreciate efforts to return such thugs to the streets.

A new Neediest Cases genre sprang up in the early seventies: bellyaching by the agencies about government cuts. Gone were the days of gratitude for public welfare; now the appeal regularly berated the public and the government for stinginess in supporting the poor. In 1973, as the front page followed the course of the Arab oil embargo, the appeal quoted Marina S. Heiskell, chair of the Community Service Society of New York, as saying: "We have witnessed an unbelievable trend of government cutbacks in health and welfare programs. The age-old public hostility toward the poor has not decreased, and alienation among groups—young and old, black and white, rich and poor—have [*sic*] even grown. At a time when there is more and more for us to do, we are faced with less and less to do it with."

Editorially the paper echoed the agencies' complaints: "Government funds, which were never plentiful," it moaned, "are dwindling." Just three years previously, the state and city welfare directors had noted with satisfaction government's "unprecedented" commitment, "in effort and in funds, to the alleviation of . . . mass deprivation." It was now taboo to mention that by any historical measure, welfare spending was extraordinarily high.

In 1975, the depth of New York City's financial crisis, the agencies reiterated their complaints against government budget cuts. Welfare benefits were too low, complained a director of the Community Service Society (though, of course, high welfare benefits were one cause of the city's budget crisis); the vice president of the Federation of Protestant Welfare Agencies, Joyce P. Austin, charged that the public was blind to the effect of the budget cuts. By now the appeal had become as much a mechanism for trying to boost public funding of the social service agencies as for inspiring private giving.

By 1981 the blame-the-government theme of the appeal had become explicitly political. Joyce Austin singled out President Reagan for "sweeping" and "unprecedented" cuts in food stamps, welfare, subsidized housing, and job training—services, she said, that "support the very essentials of life," as if government services, not individual initiative, support life.

During the seventies and early eighties, the *Times* generally refrained from such blame-the-government tirades. No more. The 1996 appeal opened editorially with as sensational a statement of the theme as the most radical agency directors might make: "The children, the sick, the elderly and the poor, who make up the most defenseless elements of New York City's population," the paper charged, "have suffered brutal blows from cutbacks in government services in recent years. The signs of trouble are as visible as the homeless in the streets, the abandoned buildings and the abused children in the headlines." The imagery equated welfare cutbacks with physical assault, and indeed the editorial went on to blame fatal child abuse on inadequate government welfare spending. Wholly absent was any sense of individual responsibility for creating or solving social problems.

A new Neediest Cases genre sprang up in the early seventies: bellyaching by the agencies about government cuts. Gone were the days of gratitude for public welfare.

The fund's spokesmen and recipients blame the public as well as the government for creating or contributing to poverty—despite unprecedented spending on the poor and the unprecedented openness of today's economy and society. On the fund's 75th anniversary in 1986, Thomas DiStefano, head of the Catholic Charities of Brooklyn, declared that the problems facing the poor have not changed over the years: "Many people are still burdened by poverty, discrimination, and injustice," he said—in other words, society's supposed racism and lack of justice are responsible for individual need. The then-president of the fund from the *Times*, Fred Hechinger, called "the plight of the homeless . . . a mark of public shame," his assumption being that public hard-heartedness is to blame, not advocate-driven policies that keep disturbed people from getting needed medical care.

In the new Alice-in-Wonderland world of the Neediest Cases appeal, charity heads, echoed by the *Times*, belittle the efficacy of the private charity they are soliciting. "It's naive and disingenuous for anyone to say that private charities can fill the gap [of congressional welfare cuts]," sniffed Megan E. McLaughlin, head of the Federation of Protestant Welfare Agencies, in 1995. Such talk suggests how little private charity seems to matter to these private agencies, which have come to rely more and more on government funding and to view themselves as handmaidens of the welfare state. Adolph Ochs, the founder of the Neediest Cases Fund, would have found this contempt for private initiatives astounding. Upon buying the *Times* in 1896, Ochs declared his philosophy: the paper would be devoted to sound money, low taxes, and "no more government than is absolutely necessary to protect society, maintain individual and vested rights, and assure the free exercise of a sound conscience."

Not only do the Neediest Cases charities value government welfare spending more than private donations, but much of their current charitable work, as profiled in the appeal, consists of signing up people for government assistance or fighting to restore benefits. Donors to the fund, therefore, pay twice: first, their donation is used to *obtain* welfare; then their taxes are used to *pay* welfare. A 1995 profile of the Community Service Society, for example, described a 53-year-old Vietnam veteran who had lost his welfare benefits for failure to comply with the finger-imaging requirement. The veteran claimed he hadn't been informed of the requirement—a universal explanation among welfare recipients whenever they are penalized. The Community Service Society represented the veteran on appeal and won his benefits back.

And who are the victims who appear in the profiles today? Drug abuse still rages through the cases—a boyfriend on crack sets fire to the house of his companion, an unwed mother; a girl who began using drugs at age 15 has five children by age 18; a grandmother cares for the abandoned children of her addicted daughter. The *Times* has even found a place for the victims of middle-class disorders. As one especially memorable profile opened, "The anorexia began during a cruise to the Bahamas."

Though the fund still profiles elderly widows, disabled breadwinners, and handicapped children, an overwhelming number of contemporary cases stem from one simple fact: having children out of wedlock. Take away illegitimacy and much of the Neediest Cases caseload would disappear. From the out-of-wedlock births in the appeal follows a predictable string of setbacks, including welfare dependency, homelessness, drug use, and often prostitution. The convention of mentioning a thwarted intention to marry has long since withered away; today many of the appeal's illegitimate births could be immaculate conceptions, for all the mention of a father.

Today's typical case is a garden-variety welfare mother. One unwed mother of four left New York for rural Florida when her relationship with her children's father broke up. She didn't like it there ("It was like Mayberry," she explains) and returned to Harlem. After a brief stint living with a son, she declared herself homeless and got a city-subsidized apartment in the Bronx, where she lives on welfare. Though it's a tight fit in the apartment, the *Times* reassures its readers, the family is managing. This saga, in the woman's view and the *Times*'s, demonstrates true grit: "It's like you have to fight to survive. That's what makes New York New York, I guess," she announces. Presumably as proof of her strong passion for justice, the *Times* notes glowingly that she lectures subway passengers for not giving money to a panhandling couple claiming AIDS.

As this case suggests, worthiness is now quite a flexible concept for the appeal. A measure of how far we have come from the virtuous widows and orphans of Adolph Ochs's time is the case of a Puerto Rican woman who, despite admitting to $10,000 of welfare fraud, now lives in a subsidized apartment on food stamps, welfare payments, and child support. Luz Pena's story epitomizes the *Times*'s current value-free approach to need. In the first half of the century, her successful bilking of the welfare system would have placed her in Ochs's category of "professional beggars"; now, however, the fund views her as needy because the deduction of restitution from her welfare check leaves just $80. Pena is emblematic of modern social welfare theory, wherein the sole criterion for assistance is material want; playing by the rules is no longer relevant.

The *Times* considers no one's opportunities so golden that the failure to take advantage of them is condemnable. Consider a 1996 profile of a 17-year-old with a drinking problem. The story begins with a deliberate attempt to jolt the reader: "Jennifer M. did not drink much in the mornings, maybe a swig of vodka at home or a beer on her way to school, just enough to make a teenage alcoholic feel that she could face the day." Jennifer began drinking at age 14, while on scholarship at a Brooklyn prep school. " 'It was more of a party thing,' she said. 'We were young. It was fun. . . . The 10th and 11th grades were a blur to me.' " Now in a rehab program, she has had several relapses—smoking marijuana with friends and nearly drinking herself into a coma at a club—but had been clean for three months at the time of the article.

Jennifer's story is indeed a sorry affair, and it is good that she is getting help. But her predicament is not a fact of nature but a product of her reprehensible behavior, made all the worse by her squandering a free prep-school education. The *Times* treats the situation as if individual will or responsibility never entered the picture. Had the paper cast the story in terms of a fall and redemption, had it acknowledged the moral challenge Jennifer faced, it would have made a more sympathetic—and certainly a more honest—case. But in the *Times*'s world, all victims look alike.

Even when modern cases seem to echo the early ones, they do so in an oddly dissonant key. The "little mother"—a young girl bereft of her mother, struggling to raise her brothers and sisters—was a mainstay of the early appeal and proved particularly moving to the *Times*'s readers. A similar situation in the 1996 appeal—a 14-year-old orphan named Kenya Eubanks, being raised by her 21-year-old sister—sounds familiar until you read on: the older sister has a three-year-old illegitimate child; both girls are on public assistance. In an earlier age the assumption would be that such a household needs adult supervision: the older sister is already struggling with Kenya's boy problems and failure to do her homework. In today's climate the social worker got them their own apartment. In such a situation the chance that Kenya will herself reach age 18 without having had a child seems small.

The *Times*'s unwillingness to render judgment on self-destructive behavior is part of a moral climate that has done real and lasting harm to the poor.

The Neediest Cases Fund still accomplishes wonderful things: it rehabilitates the disabled, sends handicapped children to camp, and buys glasses for nearly blind widows. But its unwillingness to render judgment on self-destructive behavior is part of a moral climate that has done real and lasting harm to the poor. Elite opinion contributed to the creation of today's underclass and must take some responsibility for reforming it. It is not enough to change welfare programs, to let responsibilities devolve to states and localities, to emphasize work over entitlement. We must once again start to draw moral distinctions in our public discourse—to praise virtue and blame vice. In this all-important task of cultural renewal, the *Times* continues to stand squarely in the way, stubbornly clinging to the destructive views it has done so much to disseminate. ●

How Teachers' Unions Handcuff Schools

Sol Stern

When Tracey Bailey received the National Teacher of the Year Award from President Clinton in a festive Rose Garden ceremony in 1993, American Federation of Teachers chief Albert Shanker called to say how pleased he was that a union member had won this prestigious honor. But Bailey, a high school science teacher from Florida, is an AFT member no more. Today he believes that the big teachers' unions are a key reason for the failure of American public education, part of the problem rather than the solution. The unions, he thinks, are just "special interests protecting the status quo," pillars of "a system that too often rewards mediocrity and incompetence." Such a system, he says, "can't succeed."

No education reform can succeed until teachers' unions stop demanding work rules that subvert education's basic building block: the interaction between teacher and students.

Bailey is right. In the final analysis, no school reform can accomplish much if it does not focus on the quality of the basic unit of education—that human interaction between an adult and a group of children that we call teaching. The big teachers' unions, through the straitjacket of work rules that their contracts impose, inexorably subvert that fundamental encounter. These contracts structure the individual teacher's job in ways that offer him or her no incentives for excellence in the classroom—indeed, that perversely reward failure.

So as Tracey Bailey and many other dedicated teachers have learned, schools can't improve until reformers confront the deadly consequences of the power that teachers' unions wield over a monopolistic industry, not only through contracts but also through the unions' influence on the elected officials who regulate the education industry. Until then, any reform—whether more money for the schools or smaller classes or high national standards or charter schools—will get short-circuited from the very outset.

Trade unionism is a recent development in public education. During the first 100 years of taxpayer-funded public schools, teachers had no collective bargaining rights, though many enjoyed civil-service protection. While the public schools made steady progress during those years, it's indisputable that teachers were underpaid and often were moved around like interchangeable parts in a one-size-fits-all system. Many teachers, along with principals and other administrators, belonged to a staid professional organization called

ARCHIVE

the National Education Association, to which the words "unionism" and "strike" were anathema.

Inevitably, teachers working in a factory-style system figured they might as well organize themselves into factory-style unions. The big breakthrough came in New York City in 1961, when the United Federation of Teachers (UFT), led by a charismatic high school math teacher named Albert Shanker—whose recent death deprived the teachers' unions of one of the towering figures in the American labor movement—went on strike and won the right to bargain for all city teachers. Though Shanker insisted that the struggle was about more than mere bread-and-butter issues—that it was also about improving the quality of public education and strengthening democracy—the contract the UFT signed with the New York City Board of Education nevertheless reflected the traditional industrial model. It set up uniform pay scales and seniority rights for teachers, limited their classroom hours, and required new teachers to be automatically enrolled in the union and have their dues deducted from their paychecks.

Following this example, the once conservative NEA also veered toward militant trade unionism. By the mid-seventies it had a majority of the nation's teachers covered by collective bargaining agreements. Now the NEA and the AFT, the national parent body of New York's UFT, together represent more than 3 million school employees, including 80 percent of the nation's 3 million public school teachers. The two unions and their state and local affiliates take in $1.3 billion each year from dues and employ 6,000 full-time staff members.

Today the two national unions cast a giant shadow over not just American public education but also Democratic Party politics. As a California judge recently found, that state's NEA affiliate spent only half of its dues income on activities related to collective bargaining and used the other half for electoral politics, lobbying, and general advocacy for social, educational, and political causes. Nationally, in the 1996 election, the teachers' unions contributed more than $9 million directly to Bill Clinton and other Democratic candidates through political action committees. But the PACs were just the visible tip of a vast iceberg of soft money, independent media buys, thousands of full-time campaign workers paid with union dues, and in-kind services such as phone banks and direct mail advertising. Myron Lieberman, author of a forthcoming book on teachers' unions, estimates that the NEA and AFT together spent at least $50 million for the campaign compared to the $35 million that the AFL-CIO spent. And at last summer's Democratic convention, the teachers' union caucus constituted 11 percent of all delegates—a bigger share than the delegation from California.

These political investments have paid off. In the Clinton Department of Education, former NEA issues director Sharon Robinson is assistant secretary for research and educational improvement, shaping the national education debate with her office's research reports and assessments of student performance. And when the Republican Congress was on the verge of passing legislation last year to rescue a few thousand poor students from Washington, D.C.'s hopelessly broken public school system by offering them private school scholarships, the NEA, fearful that these vouchers might encourage similar legislation in the states, furiously lobbied the White House. President Clinton, who had first indicated that he would sign the bill, backtracked and said he would veto it.

The teachers' unions spend millions each year on advertising to convince the American people that when they flex their political muscle in cases like this, more often on the state than on the national level, they are working for the benefit of the nation's schoolchildren. Their pitch goes something like this: in driving up wages and improving working conditions, the unions have made the teaching profession far more attractive to qualified young people. PAC activities and political lobbying help pressure elected officials to finance education adequately, so that school boards can pay teachers the salaries they deserve, hire more teachers and reduce class size, provide staff development, and purchase books. Result: better schools and improved student performance.

There's some truth in these claims. The rise in the sixties and seventies of powerful teachers' unions with exclusive bargaining rights *did* lead to a huge jump in public school funding: between 1965 and 1990, average spending per pupil nationwide increased from $2,402 to $5,582 in inflation-adjusted dollars. The average pupil-teacher ratio dropped from 24.1 to 17.3. The percentage of teachers with master's degrees increased from 23.2 to 52.6. The median years of experience for teachers went from 8 to 15. Between 1979 and 1989 average teacher salaries rose 20 percent in real dollars. Salaries for new public school teachers during that period rose 13 percent, compared to a mere 3.5 percent increase for all other college graduates taking entry-level positions.

Unfortunately for America's children, the rest of the unions' argument doesn't stand up. The extra money didn't improve student performance. To the contrary, during that same period average SAT scores for public school students declined by 10 percent, dropout rates in urban school systems increased, and American students scored at or near the bottom in comparisons with the other industrialized nations. After years of examining the data, the nation's leading education economist, Eric Hanushek of the University of Rochester, concluded: "There appears to be no strong or systematic relationship between school expenditures and student performance."

So why did the bottom drop out of American public education just as per-pupil spending soared? Basic economics provides a compelling answer, though countless blue-ribbon commissions, and indeed much of the present national dialogue about school reform, have failed to acknowledge it: the $250 billion public education industry behaves precisely like any other publicly protected monopoly. Union negotiators in the *private* sector know that if they insist on protecting incompetent workers and cling to outdated work rules, especially in the global economy of the nineties, the company will begin losing market share, and union members will lose their jobs. In public education, by contrast, collective bargaining takes place without the constraining discipline of the market. When school board representatives sit down with union officials to negotiate a labor contract, neither party is under pressure to pay attention to worker productivity or the system's overall competitiveness: if the contract allows some teachers to be paid for hardly working at all, and others to perform incompetently without penalty, there is no real economic danger for either side. After all, most of the monopoly's customers, the schoolchildren, have nowhere else to go. Historically, tax revenues have continued to flow into the schools no matter how poorly they perform. Newark's public schools, for instance, have performed worse and worse in recent years, but per-pupil annual expenditure there is now almost $10,000, 50 percent above the U.S. average.

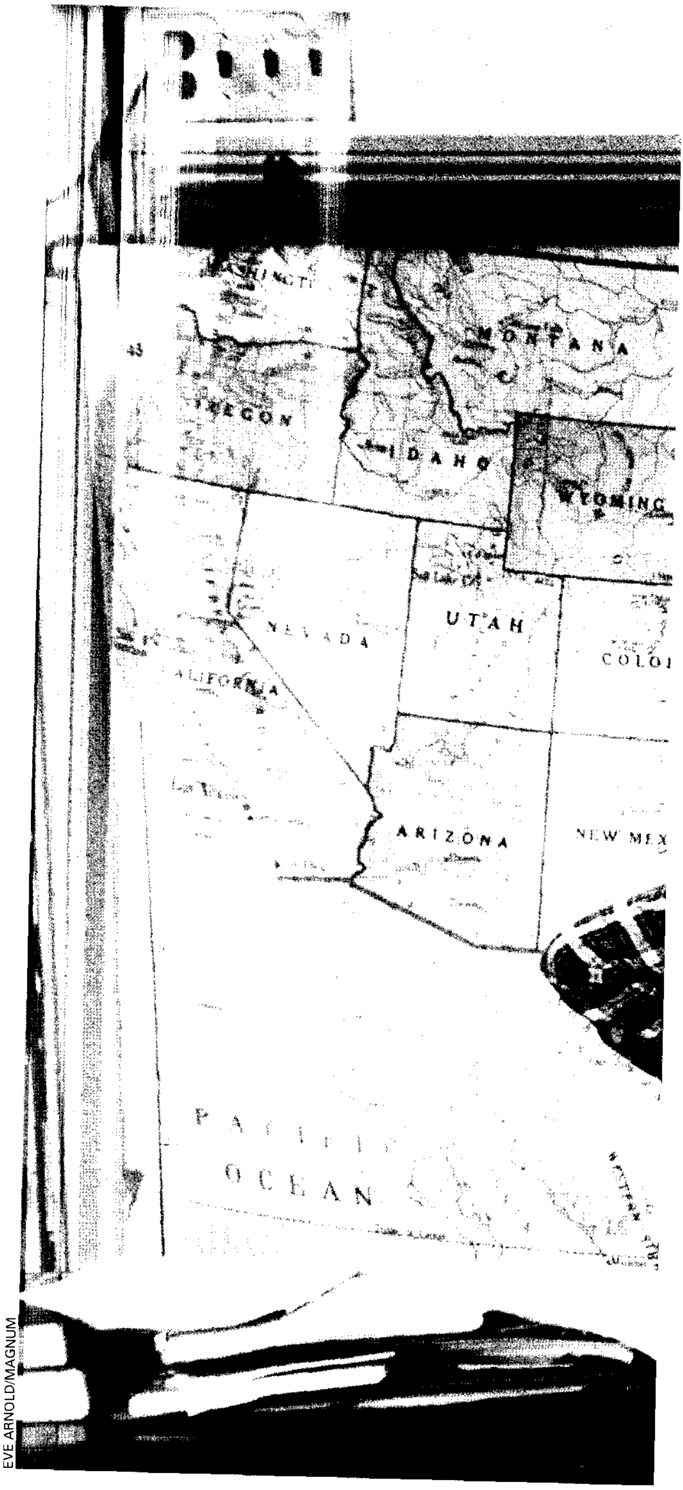
"Let's roll up our sleeves . . . and work together to give our children the schools they deserve," read the full-page *New York Times* ad taken out by New York City's United Federation of Teachers early this year. "We've tried everything else; now let's try what works," said a second UFT ad a few days later. These were the opening salvos of a major media blitz laying out the UFT's program for "turning our schools around." The nearly $1 million print, radio, and TV ad campaign was needed, UFT president Sandra Feldman told her members, because "often the union is erroneously looked at as an impediment to school reform, and it's time to set the record straight."

At last summer's Democratic convention, the teachers' union caucus constituted 11 percent of all delegates.

The UFT has good reason to be concerned. In a colossal understatement, one of the ads acknowledged that "recent school report cards show that students in our city are losing ground." Actually, what the State Education Department's recently released school performance reports show is a near meltdown of what was once the nation's premier urban school system.

Third-grade reading scores are among the most useful benchmarks for judging any school system's performance. Children who can't read in third grade are likely to fall even further behind in the later grades. And schools that can't manage to get children reading after nearly four years in the classroom are not likely to do very well in other areas. So it is stunning to discover that only 30.2 percent of New York City's third-graders are reading at grade level, compared to 62.2 percent in the rest of the state, and that the reading scores are dismal not only in schools with high numbers of poor, minority children but in many middle-class schools, in districts that have "choice" programs and districts that have resisted reform, in schools that favor "progressive" teaching styles and more traditional schools. For example, at predominantly middle-class P.S. 87, one of the city's "hot" schools and a bastion of progressive "child-centered" teaching methods, close to half the school's third-graders read below grade level. At the Mohegan school in District 12 in the Bronx, which has a very poor, all-minority student population and follows the more traditional "core knowledge" philosophy of scholar E. D. Hirsch, only 19 percent of the third-graders read at grade level.

In the 35 years since Albert Shanker and his followers took to the streets, the UFT has become the richest and most powerful teachers' union local in the country. It represents 95,000 school employees, including 60,000 classroom teachers, from whom it collects $60 million in annual dues. School chancellors come and go, but the UFT endures—a perennial power at the Board of Education and in the State Legislature, which regulates the city's schools. It has played a pivotal role in electing (and defeating) mayors and governors and has often exercised virtual veto power over the selection of school chancellors. In 1993 the UFT punished Mayor David Dinkins for not giving in to its contract demands by running a $1 million ad campaign against him at the beginning of the mayoral campaign and withholding the phone banks that were an essential part of Dinkins's successful campaign in 1989.



EVE ARNOLD/MAGNUM

The UFT, together with New York State United Teachers, the state AFT affiliate, is easily the most powerful special-interest lobby in Albany. In the first six months of 1996 alone, the New York teachers' unions' PAC reported $900,000 in lobbying expenses and political contributions to legislators—three times as much as the next highest group, the state medical societies. The teachers' unions make their contributions to those legislators who are most likely to help them, regardless of

A geography lesson in a Southern classroom, 1958.

party—to the majority Democrats in the Assembly and the majority Republicans in the Senate.

In return, the teachers' unions get to set the limits of permissible education debate in the Legislature. Debra Mazzarelli, the mother of two public school children and a parent activist, learned that lesson after she was elected to the State Assembly from Patchogue, Long Island, two years ago on a platform calling for ending automatic tenure protection for public school teachers. "I was just fed up that we were paying teachers $80,000 a year but couldn't hold them accountable and certainly couldn't fire them if they were incompetent," she said. Her bill to end teacher tenure won support from the New York

State School Boards Association, which held hearings around the state. But in typical Albany fashion, the Assembly education committee, led by Steven Sanders, a leading recipient of teachers' union PAC money, won't even schedule a discussion in committee on the proposed legislation. Meanwhile, New York continues to have one of the most restrictive state laws for initiating disciplinary proceedings against incompetent teachers. Largely the work of the teachers' unions, it passed without public hearings and almost guarantees that no tenured teachers are ever fired.

After a recent public conference on the prospects of getting charter school legislation passed in Albany (26 states now have such laws, but not New York), Beth Lief, executive director of a reform organization called New Visions for Public Schools and one of the conference conveners, told a *New York Times* reporter that one group would ultimately decide the fate of the proposal. "There is no piece of education legislation in this state that passes without the UFT," the *Times* quoted her as saying. UFT president Sandra Feldman, standing next to Lief, didn't blink when she heard this assessment of her union's power. Indeed, the UFT leadership seems to enjoy reminding its members of its political clout. The union newspaper recently excerpted without comment an item from *Crain's New York Business* describing Feldman as someone who "wields more control over the education of New York City children than any mayor."

Several former Board of Education officials have told me that the chancellors they worked for would never make a high-level management appointment over the objection of the UFT. Chancellors accommodate the union for two very important reasons: they know that the UFT could have blocked their own appointments, and they realize that they need the union's lobbying power to help wring needed measures and funds from the State Legislature and City Council. As a result of this political alliance of necessity, the UFT has become part of the permanent government at 110 Livingston Street. The same former Board officials told me that UFT vice president David Sherman has had the run of Board headquarters for years and frequently participates in high-level policy meetings.

New teachers quickly learn how central the union is to the system's governance. A senior union official always directs the orientation at 110 Livingston Street for their first assignments. And when new teachers get their first paychecks, they discover that $630 of their yearly wages of $29,000 will be deducted for union dues.

The current contract between the Board of Education and the UFT can best be described as a "we-don't-do-windows" document. Among the tasks that principals are forbidden to require of teachers under the contract: attending more than one staff meeting per month after school hours, walking the children to a school bus, patrolling the hallways or the lunchroom or the schoolyard, covering an extra class in an emergency, attending a lunchtime staff meeting, or coming in a few days prior to the opening of school each September to do some planning.

The contract undermines teacher professionalism, excellence, and hard work in other ways. In all but a handful of the city's schools, principals must fill many of their teacher vacancies according to seniority rather than merit. J. Cozzi Perullo, principal of the elite Stuyvesant High School, has complained that she has no control over who is hired for half of the school's posted vacancies. And when a teacher does transfer from one city school to another, the principal of the new school can't even get the previous principal's written comments on the transferring teacher's personnel file.

The contract makes it almost insurmountably difficult for a principal even to begin the process of charging a teacher with incompetence under the union-written state education law. Every time the principal wants to record a negative evaluation in the teacher's personnel file, the teacher can contest that single entry through three separate grievance procedures, leading all the way up to the Board of Education. Even after the Board has upheld the principal, the teacher, with the help of the union, can go to arbitration to contest the single negative entry. The process is so tortuous that most principals don't even bother trying; they accept it as a fact of school life that a certain number of incompetent teachers must be carried on the payroll.

Jorge Izquierdo of P.S. 163 in Manhattan is one of the rare principals who have not only tried to purge incompetent teachers but are willing to speak publicly about the issue. He told me that in the case of one totally dysfunctional teacher, he has spent close to 100 hours out of the building over the past two years in grievance sessions at the district office, at the Board of Education, and at arbitration sessions. Although every one of his negative evaluations has eventually been upheld, he still must go through the process for another year before this one employee might have to face formal disciplinary charges—a process that could take several more years. "I am like the CEO of a little corporation," says Izquierdo. "I am judged by whether or not I achieve the equivalent of a profit—how much the children gain in learning. But unlike any other CEO, I can't hire the people who work here or fire them when they're incompetent."

What is most revealing about the UFT contract, however, is what it does not say. In its 200 pages of text, this labor agreement breathes not a word about how many hours teachers must work. Article six stipulates only that "the school day . . . shall be 6 hours and 20 minutes" and that the school year lasts from the Tuesday after Labor Day until June 26. School principals may not require teachers to be in the building one day before that Tuesday, one minute before the students arrive each day, or one minute after the students leave.

The number of hours teachers work is not a trivial issue. Teaching is a labor-intensive occupation. At the elementary and secondary school level, teachers get results not necessarily because they are brilliant or attended elite education schools but because of the hours they spend with students in and after school, the hours they devote to reviewing students' work, and the hours they spend speaking with parents.

So how many hours do union teachers really work? According to a survey by the U.S. Department of Education, public school teachers put in an average of 45 hours per week, including time in the classroom, work with students outside the classroom, preparation time in the school building, and work done at home. But since the survey is based wholly on teacher self-reporting, any bias is likely to be in favor of reporting too many hours worked rather than too few.

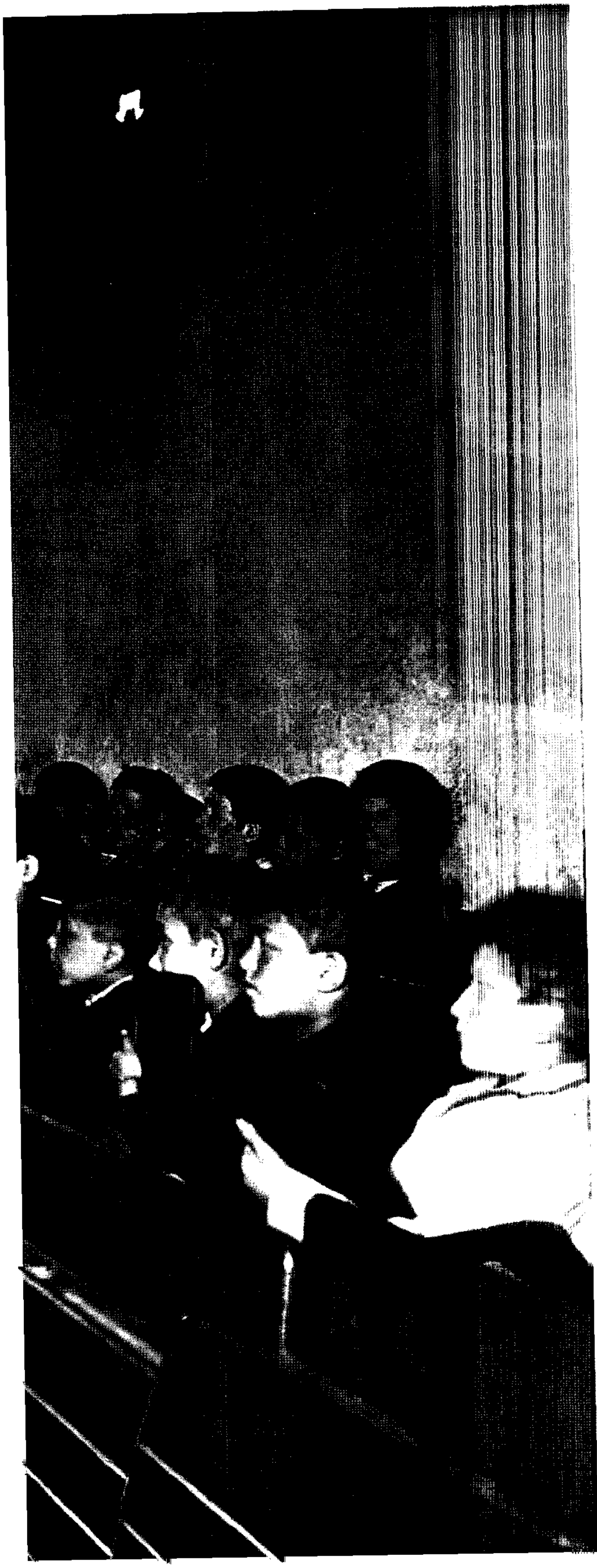
Doubtless, many public school teachers in New York do work 45 hours a week or more—at least during the 36 weeks that school is in session. One of the dirty little secrets of the system, however, is that there are many others who work close to, or exactly at, the contractual minimum. In the three different schools my children have attended, they have had several teachers who took the words in the contract about the length of the school day as gospel. Arriving in school just a few minutes before the children every morning, these teachers were usually out the door exactly at dismissal time. They rarely took any work home, grading at school the homework that they sporadically assigned. Assuming the teachers worked during all ten of the preparation periods provided for in the contract, and if we deduct their 50-minute "duty-free" lunch periods, I estimate that they worked a maximum of 28 hours per week, or about 1,000 hours per year. Some had enough seniority and graduate-school credits to put them at the top of the salary scale (presently $60,000, soon to be $70,000), so that they were earning a wage, not including benefits, of somewhere between $60 and $70 per hour. That's higher than the rate earned by employees with the city's top civil-service titles.

"I can't hire the people who work here or fire them when they're incompetent," says one principal.

I don't know if 5 percent or 50 percent of the city's teachers work to the contractual minimum. And—scandalously—the Board of Education and city hall are also in the dark about the productivity of the system's teachers. In the past, the Board's labor negotiators tried to raise the issue of monitoring the number of hours teachers work. "The union never wanted to discuss it," one former Board official recalls. "They said their teachers were professionals and it would be an insult."

It's unthinkable that managers of the city's police, fire, sanitation, or transportation agencies could do their job of trying to improve services without data on worker productivity. In public education, however, the city has agreed to ignore such basic management information. Worse, it doesn't matter, since all teachers get the same base salary, no matter how many hours they work or how effective they are in the classroom. Teachers get raises merely for showing up for another school year or for accumulating more education course credits, not for working hard and doing well.

This pervasive culture of mediocrity and time-serving takes a devastating toll on more ambitious teachers. Five years ago, journalist Samuel Freedman published *Small Victories*, a book about an extraordinary New York City teacher named Jessica Siegel. Following Siegel around for an entire year at Seward Park High School on the Lower East Side, Freedman was able to demonstrate just how much one teacher can accomplish with disadvantaged minority students through sheer hard work and determination. Freedman's reporting suggests that Siegel probably worked more than 60 hours per week, despite being at the low end of the salary scale. The book also makes clear that the system's bureaucracy and the UFT not only did not encourage Siegel but were obstacles she had to struggle to overcome. The union chapter chairperson at the school had a cushy assignment that put her in a classroom for no more than 90 minutes a day—after which she did everything she could to stifle Siegel's creative proposals to improve the school's performance. "The UFT did not exactly run the city school system,"



CORBIS-BETTMANN/JACOB RIIS

A Lower East Side schoolroom, 1886.

Freedman wrote, "but the system could not function without the union's assent."

By the time Freedman's book came out, Jessica Siegel had bailed out of teaching, having lasted ten years. The UFT, of course, is still present in every school, making sure that the city is never allowed to distinguish between teachers like her and my children's work-to-the-contract teachers. Instead of allowing a system of incentives that would encourage more Jessica Siegels to enter the classroom and stay in teaching, the union has been investing its energies in building its political power to ensure that won't happen.

Last July over 10,000 public school employees from every state in the union descended on Washington for the NEA's 75th annual representative assembly. I spent hours in the cafeterias and lounges speaking with delegates from places like Cedar Rapids, Iowa; Birmingham, Alabama; Billings, Montana; Honolulu, Hawaii; Denver, Colorado; and Storrs, Connecticut. Many were longtime union activists who had been coming to the conventions for years, with their very wealthy union paying their expenses.

All believed passionately that public education was under siege by the political right and profit-hungry corporations. One morning over coffee, a delegate from Connecticut told me that his school board was considering contracting with a private vendor to provide food services for the district's schools. His NEA local was mobilizing to fight this proposal, the delegate approvingly reported, because it was a step on the road toward privatizing all the school district's education services.

The NEA wants public education preserved as an enterprise-free zone. Jersey City is a case in point. Last year, Mayor Brett Schundler came up with a plan to give some poor students trapped in failing public schools tax-funded scholarships. When the state blocked Schundler's initiative, a local Pepsico distributor offered to pay for some of the scholarships. The New Jersey NEA affiliate immediately organized a boycott of Pepsi products, and the company quickly backed down. Speakers at the NEA convention threatened similar dire consequences, including more boycotts, for any company that dared to poach on the union's preserve.

It was hardly surprising that the delegates would be preoccupied with the specter of privatization and vouchers. But what was astonishing is that this once conservative organization now favors a political and cultural agenda not only to the left of the national political mainstream but also far to the left of the Democratic Party. It was as if the veterans of the Berkeley Free Speech Movement had taken off their tie-dyed T-shirts, cut their hair, put on 30 pounds, and taken over the Rotary Club.

Besides electing new officers and listening to a lot of speeches, the delegates spent their days at the convention passing resolutions on almost every issue under the sun—from federal housing and immigration policy to nuclear testing and the World Court to support for the special rights of every aggrieved racial, ethnic, gender, sexual-preference, and "otherwise-abled" group, subgroup, and tribe in America. The NEA believes that America faces no Social Security crisis and wants to lower the retirement age and repeal all taxes on Social Security payments. It also doesn't believe Medicare is in trouble and opposes any premium increases. It favors a national single-payer health plan supported entirely by tax revenues, full funding for Head Start programs, and a huge increase in federal spending on education—especially for "disadvantaged students," immigrant and American Indian students, and students with disabilities.

It would be an understatement to say that the NEA favors an expansion of the welfare state. Its economic program more closely resembles the most radical of the European socialist parties. John Berthoud, a senior fellow of the Alexis de Tocqueville Institution, has calculated that if Congress passed all the NEA's legislative proposals, the annual additional charge to the federal treasury would be $800 billion, requiring an average tax increase of $10,000 for a family of four.

The debate on education policy during last year's presidential election made much of the potential fragmenting effects on our civic culture of proposals like school choice or vouchers. Opponents of these experiments argued they would undermine the public schools, society's only means for inculcating children in our common civic heritage. They conjured up all sorts of imaginary horribles, including the specter that families would use vouchers to enroll their children in "David Duke schools," black nationalist schools, even schools that taught witchcraft. As *New Republic* editor Michael Kelly has summed up the case: "Public money is shared money, and it is to be used for the furtherance of shared values, in the interests of *e pluribus unum*. Charter schools and their like . . . take from the *pluribus* to destroy the *unum*."

Welcome to the NEA convention, Mr. Kelly. No charter schools or vouchers allowed, but not much *unum* either. This assembly of 10,000 public school employees celebrated not our common heritage but rather the disuniting of America. A standing convention resolution requires a set-aside of 20 percent of the convention seats for certain designated minorities. The NEA also officially recognizes numerous caucuses of the fragmented and oppressed and encourages delegates to join one or another, from the African American caucus, Hispanic caucus, American Indian and Alaska Native caucus, or Asian and Pacific Islander caucus, to the women's caucus or the gay and lesbian caucus. Each of these splinter groups proposes resolutions (almost never opposed by any other group) demanding special consideration in education and other domains for their particular ethnic, racial, or gender group. The resolutions add up to a massive assault on precisely those common ideals that the unions always insist are transmitted exclusively by the public schools.

For example, the NEA supports the "movement toward self-determination by American Indians/Alaska Natives" and believes these designated victim groups should control their own education. It supports "the infusion of Black studies and/or Afrocentric curricula into the curriculum." It strongly supports bilingual education for Hispanic students and opposes efforts to legislate English as the nation's official language. It believes that all schools should designate separate months to celebrate Black History, Hispanic Heritage, Native American Indian/Alaska Native Heritage, Asian/Pacific Heritage, Women's History, Lesbian and Gay History—which pretty well takes up the entire school calendar, leaving scant time for plain old American history.

It would be wrong to dismiss NEA convention debates as the adult equivalent of a high school model congress. The NEA's permanent bureaucracy takes the resolutions very seriously. Through its 1,300 field representatives assigned to state and local affiliates and through its permanent Capitol Hill lobbying staff, it works hard to get the convention agenda implemented by Congress and state legislatures and infused into the culture of the schools. The results include everything from distributing a classroom guidebook on sexual harassment by militant feminist Nan Stein of the Wellesley College Woman's Center, to "urg[ing] the appropriate government agencies to provide all materials and instruments necessary for left-handed students to achieve on an equal basis with their right-handed counterparts."

If Congress passed all the NEA's legislative proposals, the annual additional charge to the federal treasury would be $800 billion.

No matter that the voters don't support NEA's diversity and affirmative action agenda: this is America, where you can go straight to the courts. The NEA budgets $23 million a year for its legal arm, headed by a brilliant Washington lawyer named Robert Chanin. Chanin's primary mission, naturally, is to throw up legal challenges to every piece of legislation passed by democratically elected bodies that might free some children from the monopolistic public education system. But in addition, he intervenes in major court battles involving the pet issues of the Left. At the convention, Chanin spoke to the delegates about the NEA's amicus briefs on behalf of gay rights in Colorado, sexual integration of the all-male Citadel, and racial preferences in admissions at the University of Texas Law School. The NEA position had prevailed only in the first two cases, he reported, but racial quotas in the Lone Star State might fare better on appeal.

After the presidential election and the 1997 State of the Union address, with all its emoting about education, the two national teachers' unions may seem more powerful than ever. And with the NEA and the AFT seriously pursuing merger negotiations, a single national union might soon represent 3 million public school employees. It would be the biggest union not just in America but in the world.

Nevertheless, the teachers' unions may not be quite as unassailable as they appear. Despite the millions of dollars they spend on public relations every year, they have been unable to convince the American people that their children's schools and classrooms are in good hands. In a recent book, *Is There a Public for Public Schools?*, former Ford administration secretary of HEW David Mathews underlines the unions' dilemma when he writes that "Americans today seem to be halfway out the schoolhouse door."

Not only are the NEA and AFT clearly out of touch politically with the majority of the American people, but they have also positioned themselves far to the left of their own members. A 1995 NEA convention resolution calling for programs to train teachers to give "accurate portrayals of the roles and contributions of gay, lesbian, and bi-sexual people throughout history," for example, produced a ferocious backlash within the NEA's own membership, particularly in the South. When union teachers began turning in their membership cards and NEA locals faced losing their designation as exclusive bargaining agent, union leaders had to retreat.

With the NEA and the AFT pursuing merger negotiations, a single national union might soon represent 3 million public school employees.

The last reliable measures of the voting behavior and political allegiances of the nation's teachers were the CBS/*New York Times* exit polls during the 1980 and 1984 presidential elections. They showed that teachers, far from being way out on the left with their union leaders, were right in the American mainstream. In 1980, 46 percent of them voted for Ronald Reagan, 41 percent for Jimmy Carter, and 10 percent for John Anderson. By comparison, non-teachers went 51 percent for Reagan, 40 percent for Carter, and 6 percent for Anderson. Some 45 percent of teachers identified themselves as Democrats, 28 percent as Republicans, and 26 percent as independents—almost exactly mirroring the rest of the voting population. The 1984 exit polling produced very similar numbers.

The difference in political outlook between the teachers themselves and their union leaders has given rise to some upstart organizations that, though still small, represent a serious enough challenge to the big unions' monopoly to make them uneasy. National Teacher of the Year Award winner Tracey Bailey is now on the board of one such alternative group, the Association of American Educators. When he speaks to teachers, he tells them that they don't actually have to pay dues to a union that seems more interested in gay rights than in getting children to read, that instead they can be members of professional teacher organizations that focus on educating children and still provide such necessities as insurance.

In "right-to-work" states such as Georgia and Texas, where teachers are not coerced into joining unions, independent teachers' groups now have more members than either the NEA or AFT. Even in "union shop" states, many teachers chafe at the unions' political monopoly. In California last year, the Individual Rights Foundation used federal labor law to represent 700 teachers who resigned from the union and were able to get 50 percent of their dues refunded (approximately $300 per teacher) because it was spent on political and social advocacy rather than collective bargaining. And now many of those same teachers have formed their own independent professional organization, the Professional Educators Group of California. The foundation expects the number of teachers defecting from the NEA to climb into the thousands next year.

Altogether the various independent teachers' organizations around the country now have close to 200,000 members. This ferment may lead the way to thoroughgoing teachers' union reform. What this budding movement needs in order to flower is a massive public information campaign. Teachers presently forced to pay dues to the NEA or AFT need to know what the unions are saying in their name and what rights they have to opt out. Parents and taxpayers need to learn more about teachers' union contracts and political lobbying, teacher productivity and credentialing, and even the $100,000-plus salaries of legions of teachers' union employees. It seems safe to say that if the American people merely knew about the resolutions passed at NEA conventions, the exodus "out the schoolhouse door" would accelerate.

The simple act of getting accurate information to the public about teachers' unions can greatly help the cause of school reform. Last year a good-government group called the Philadelphia Campaign for Public Education decided to butt into a nasty battle between the reform-minded superintendent of schools, David Hornbeck, and the Philadelphia Federation of Teachers over the next labor contract. Hornbeck had demanded that, in exchange for a wage increase, teachers should have to report to the schools a half hour earlier than the students and stay in the buildings a little after dismissal time. He also proposed that teachers who receive an unsatisfactory rating from their principals be denied automatic longevity raises. For Hornbeck's effrontery in suggesting that pay be tied to performance, the teachers' union (an AFT affiliate) launched a massive advertising campaign against him, calling him—what else—a "teacher basher."

That's when the Campaign for Public Education decided that the public needed some accurate information about Philadelphia's unionized teachers. The foundation-funded group began publishing a series of colorful newsletters with charts and graphs containing some amazing data about the existing union contract. One of these "School Updates" carried a headline that said "[Philadelphia] teachers enjoy one of the shortest school days in the nation—and Philadelphia's schoolchildren lose." Next to the text was a bar graph showing the number of minutes spent at school by high school teachers in the 21 largest urban school districts in the country. Philadelphia had the shortest bar (followed by New York City). Another newsletter highlighted some of the contract's work rules, including the fact that "open positions in schools are filled according to a pecking order that favors [seniority] over all other factors."

The union's response was first outrage (including an attempt to prevent the newsletters from being printed), then embarrassment, and finally a more accommodating position in the negotiations. The new labor agreement signed last fall contained the provision that teachers who receive an unsatisfactory rating will lose their automatic pay increase—a provision that seems utterly unexceptionable to a normal person but is revolutionary in the context of teacher unionism.

Imagine that there were similar citizen groups in other large city school districts, continuously channeling information to the public about the myriad ways that teachers' union contracts affect the operation and performance of the schools and how teachers' union politics subvert the common culture that the public schools are supposed to transmit. Imagine further that the same citizen groups communicated with teachers over the heads of their NEA and AFT leaders, informing them that they are entitled to resign from the union and receive a refund of that portion of their dues used for purposes other than collective bargaining. Suppose that in New York City, every time the UFT ran one of its full-page ads boasting that it was working to improve the schools, it was followed by another ad by a citizen group describing in simple, factual terms how many hours teachers work under the union contract, how difficult it is to fire incompetent union teachers, how principals are forced to hire teachers on the basis of seniority.

What I have described is not fanciful. It is occurring in fits and starts all over the country and is bound to grow. The only thing that can prevent the teachers' union reform movement from expanding is the one thing the teachers' unions can't seem to deliver—a public school system that works. •

Albany's Travesty of Democracy

Eric Lane

New York's Legislature taxes, spends, and regulates more energetically than almost any other state's. During its most recent session, completed last summer, it enacted more than 700 laws and appropriated over $60 billion, drawing on the $33 billion that it raised in direct taxes and on vast sums of federal aid. These decisions profoundly affect life in the entire state. In New York City alone, the Legislature lays down the law for everything from the sales tax and Medicaid, to police pensions and governance of the public schools.

But activist government should not be mistaken for democratic government—and Albany is anything but democratic. Yes, New Yorkers cast their votes for State Assembly and Senate, but when the vast majority of their representatives arrive at the Capitol, they don't legislate; they meekly follow the instructions of their legislative leaders. It is no exaggeration to say that the speaker of the Assembly and the majority leader of the Senate *are* the legislative branch in Albany. They pick the issues, close the deals, and—ultimately—make the laws. A newspaper photo from a few years back furnishes the perfect emblem for this system. In it, the majority leader of the Senate stands behind a member of his party who had just voted no on a bill that the leadership had sponsored. The leader's thumb is turned up—an order to the clerk to reverse the erring senator's vote.

As counsel to the minority Democrats in the State Senate from 1981 to 1986, I participated in this undemocratic leadership culture and supported it. In the course of my research and writing on the legislative process since then, I have had serious second thoughts. The Legislature's practices violate every principle of good lawmaking: they exclude most of the people's elected legislators from the process, squelch deliberation and the injection of new ideas, and deny the public any meaningful say in legislation or even the information they need to hold their elected officials accountable. The result for New York: sloppy laws that do not represent the views of the people. The State Legislature is an embarrassing throwback to the days of bossism and party machines—and we need urgently to fix it.

Democratic lawmaking needs debate, hearings, committee reports—all the machinery that winnows compromise out of the clash of opposite views. You won't find any of it in Albany.

Photographs of the New York State Capitol by Judith Turner

Consider the Legislature's moribund committee system. In healthy legislative bodies—in Congress or other state legislatures or even the New York City Council—committees do much of the heavy lifting. They introduce legislation, debate it, amend it in markup sessions, hear the opinions of outside experts and the public, and issue committee reports describing their intent and reasoning to fellow members and to the executive agencies and courts that will have to interpret their handiwork. Although party leaders sometimes coordinate such committee work from above, committee chairmen and members usually act independently, even defiantly; they are power centers in their own right.

Such a division of labor, and authority, is largely unknown in Albany. As a former legislative staffer has neatly summarized the Legislature's committee life: "Nothing ever happens. A leadership-created agenda is followed and bills are voted on, always favorably. No debates or markup sessions are held, no amendments permitted. Nothing except votes are recorded." Needless to say, these meetings produce no committee reports, since there is, quite literally, nothing to report. And committee members make no effort to benefit from the knowledge of outsiders who might shed light on matters before the Legislature: former comptroller Ned Regan reports that during his 14 years as New York State's own chief financial officer, no committee ever asked him to testify, despite his repeated offers to do so.

As if to prove that committees in Albany are mere window dressing, leaders in both houses drop all pretense of needing them during the last month of each year's session, when the Legislature traditionally turns to the really important items on its agenda. Committees stop meeting altogether, and the leadership's top staff members take over as gatekeepers, with suppliant legislators lined up outside their doors in hopes of getting bills onto the legislative floor. I once asked the counsel to several former speakers how legislation gets on the docket in the Assembly: "Don't you guys have a rules committee?" Without missing a beat, he replied, "I'm it."

What explains the utter tractability of these committees? Plain lethargy, in part. Committee chairmen and ranking minority members are unaccustomed to doing legislative dirty work, despite receiving an additional $6,500 to $24,500 (on top of their $57,500 salaries) for taking on these "leadership jobs." And the Assembly speaker and Senate majority leader keep committees on the shortest of leashes. So great is their fear of committee independence that they appoint all substantive committee staff themselves, a prerogative reserved for chairmen in almost every other legislative body.

When a committee chairman nonetheless tries to strike out on his own, the Legislature's pashas move quickly to undercut him. Last year a long-time lobbyist and acquaintance of mine persuaded the chairman of a committee to champion a number of important reforms. Shortly thereafter, and much to his surprise, the lobbyist received an invitation to meet with the chamber's legislative leader to discuss strategy on these issues. Assuming that the committee chairman had arranged this rare get-together and would be in attendance, the lobbyist called the leader's staff to make an appointment—only to discover that the chairman was emphatically not on the guest list. The message was clear: the leader—and only the leader—handles serious business.

In the rare event that a committee chairman openly rebels, the leadership simply co-opts him. In exchange for fealty to the leader's broader agenda, the chairman will win greater authority within his own policy area, even the right to choose his own committee staff. But make no mistake: such empowerment of a certain legislator does not translate into a similar empowerment of his committee; it just makes him, in essence, the leader of his own small domain, with the ability to dictate its activities. As before, the committee will neither gather facts, hear the public, nor deliberate over legislation.

Go into either legislative chamber in Albany and you'll find no less of a leadership-orchestrated spectacle. Again, the contrast with other legislative bodies is instructive. In Congress, for example, members often engage in robust debate on the floor, especially on controversial measures. Members of both parties freely offer and adopt amendments, and it is difficult at times to predict how a bill will fare in a final vote, despite the best efforts of party leaders to ensure a certain outcome.

By comparison, the New York State Legislature looks like a meeting of the Supreme Soviet. When the leadership sends a bill to the floor in either chamber, members of the majority understand that their job is to see that it passes intact, without amendment or debate. The minority sometimes speaks out, contesting legislation as best it can, but members of the majority feel no obligation to reply and sit impassively until their colleagues run out of steam. The result of this charade: during almost every annual session of the Legislature, not a single bill goes down to defeat or is even amended.

The waning days of a legislative session always show this conspiracy of silence at its worst. With no legislation yet on the table for a vast range of "must" issues, the leaders of the Assembly and Senate hold a flurry of meetings with each other and with the governor; leadership staffers work round the clock, hammering out agreements acceptable to their bosses. And ordinary members? They wait in the wings for a signal to show up on the floor. Finally, clerks appear to distribute printed bills, each accompanied by a message of "necessity" from the governor, allowing the Legislature to ignore the state Constitution's requirement—meant to promote deliberation—of three days between the printing of a bill and the vote on it. Within 24 hours the legislative leader or his designee mounts the rostrum. He calls for a vote, and in short order, the bills pass without comment, their contents largely unknown to the members. To take just a few examples from the closing days of the 1996 session: the Legislature printed a 541-page, $18 billion bill covering Medicaid, mental health, and prisons on July 11 and passed it the next day; it printed a 463-page, $12 billion bill covering education and labor matters on July 12 and passed it that same day; it printed Governor Pataki's 53-page, $1.75 billion Environmental Bond Act on July 12 and passed it on the 13th. The elected officials who voted on these far-reaching measures barely had enough time to *turn* these hundreds of pages, much less to read or discuss them.

The Legislature's rubber-stamp procedures are not only undemocratic; they also conceal just how shoddy the laws made in Albany are. Once, when we in the Senate minority were miffed over the majority's refusal to provide us with our normal share of "members' items"—bills that give individual legislators money to distribute for "special needs" in their districts—we settled on a radical course of action: we would debate every bill on the floor for the full two hours allotted by the rules. Though deliberation wasn't exactly the intent of this exercise, we quickly discovered dozens of errors in the logic and grammar of bills—a predictable enough consequence of our Potemkin committees. Even members of the majority had to concede that bills deserved closer attention. Still, they refused to correct these errors, which would have required the unthinkable: amendments. As for us, having carried the day with our obstructionism, we allowed things to return to normal.

The Legislature looks like a meeting of the Supreme Soviet. During almost every annual session, not a single bill goes down to defeat or is even amended.

For members with legislative projects of their own, the leadership provides the only reliable avenue for getting a bill onto the floor: lose the support of the Assembly speaker or Senate majority leader and you lose all hope of even airing your proposal. During the interminable day-nights at the end of one session, a powerful member of the Senate majority—the chairman of an important committee—burst into my office at 3 AM; he was on the verge of tears. He had sponsored a bill giving relief to a small group of New Yorkers injured by a certain drug, and his leader had promised to send it to the floor and see to its passage. The senator and his allies, including some Democrats, had already celebrated the victory. Now, one of the majority leader's staff informed him, the bill was dead: the state insurance industry had complained, and that was that. "Offer the bill as an amendment," I advised. "Or tell your leader that failure to consider the bill will lead to a rebellion." He gave a resigned smile and shuffled back out my door. Such resistance, he knew, would get him nowhere—except legislative Siberia.

On rare occasions, the legislative leaders do release their members from the yoke of party discipline. Usually it's a question of political survival. The Republican leader of the Senate, for example, would never demand that a member of his party from an urban district vote against rent control. There are also some matters of conscience, like the death penalty and abortion, on which the party takes no position and allows real debate. When casino gambling came up for a vote this past January, Senate Majority Leader Joseph Bruno decided not to force the outcome. After a lively exchange of views, the bill failed—the first to do so in the Senate in five years. In a revealing moment, Bruno conceded to the *New York Times* that such give-and-take made him uneasy: "To see a bill on the floor and hear some of the conversations . . . and to sit there and just watch it happen, I can tell you, is very difficult." To which one might add, only in Albany.

Defenders of the Legislature will protest that ordinary lawmakers do get to have their say on the substance of bills, just not in committee or on the floor. There is, after all, the weekly party conference. The leaders dominate these sessions, to be sure, but they give members a fairly free rein, allowing them to discuss legislation from every angle—or so the Legislature's defenders say. One former Assembly chieftain goes a step further, insisting that the party con-

ferences are genuinely independent and warning that a legislative leader who ignores his party colleagues too long quickly finds himself out of a job.

In truth, party conferences are no substitute for the ordinary activities of legislating. Such meetings focus single-mindedly on politics. Standing at the head of a long table and facing his members, the leader describes important and politically controversial bills, the details of which he has usually worked out already at a separate meeting with the leader of the other chamber and often the governor. His aim is not to get advice on the substance of pending legislation but to test the tolerance of members for the stands that he has taken and to smoke out opposition. Legislators can gripe that a bill is bad policy, but they get a serious hearing only when they have something to say about how it might affect their own chances for reelection or some party constituency. If the politics of a bill is truly a problem, the leader may decide to amend it; at a minimum, an anxious legislator can win the right to vote against the party position. One consideration, above all, constrains the party conference and drastically limits its usefulness: the unwillingness of legislators to embarrass their leader by forcing any major renegotiation of a bill. By and large, a bill arrives at the party conference as a fait accompli.

Albany's leadership-dominated political culture smothers any hint of bold or creative thinking about the state's pressing problems. An intellectual sameness permeates the whole process.

It should come as no surprise that party conferences, the only forums in Albany where legislators actually discuss legislation, are the only legislative gatherings in the capital that are closed to the public. When a state court suggested several years ago that these meetings might violate the state's open-meetings law, the Legislature rushed to amend the statute in order to protect its cherished secrecy. Supporters of these closed-door sessions insist that they promote a free exchange of ideas, but anyone familiar with Albany knows that nothing of the sort takes place in party conferences. The conferences are closed not to allow legislators to discuss the public interest more candidly but to ensure that their constituents never discover just how little time they actually spend considering the public interest.

The great mystery of this leadership-dominated system is why the legislators put up with it. After all, the Assembly speaker and Senate majority leader do not hold their jobs by force of arms or act of God; they are elected by their colleagues. To survive, they must keep a majority of their fellow partisans happy—and they don't always succeed. In 1995 Senate Republicans decided that they had had enough of Majority Leader Ralph Marino's heavy-handed tactics; they unseated him and put Joseph Bruno in charge. Legislators in Albany might brandish such a threat at any time to win more latitude for themselves, but they don't. So the puzzle remains: why do otherwise serious, aggressive, smart people choose to shut off their critical faculties and turn over lawmaking in the state to a handful of party bigwigs? Why do they allow themselves to be infantilized?

The answer is that, despite suffering the occasional indignity, most legislators in Albany are perfectly content with the present system. Some insist that forceful leadership is a requirement of good government. As one lawmaker has argued, "Without a strong leader, there would be constant turmoil; with too many hands on the wheel, nobody could drive the car." Indeed, every legislature needs able leaders to organize its operations, to meld disparate views, and—most important—to provide a single legislative voice against a unified executive in our system of checks and balances. But the legislative process is not, to borrow the legislator's metaphor, a car intended for a lone driver, steering from one point to another. The pull and tug of many hands is exactly the point of lawmaking in a democracy: representatives bring their different interests and priorities into open conflict, ensuring that no one gets everything and everyone gets something. The compromises that result are seldom perfect, but they approximate the public interest far better than any system of "strong leaders."

Most legislators abdicate their duties for less public-spirited reasons. While there is very little incentive for a lawmaker to challenge Albany's leadership culture, going along with it brings real rewards. The Assembly speaker and Senate majority leader hand out committee chairs and other leadership posts at their pleasure, and these jobs mean extra pay for members. The two chambers have also seen fit to give their leaders full control over the office budgets of individual legislators—an extraordinary power virtually unheard of in other legislatures. Favorites of the leaders can count on plenty of money for hiring staff, purchasing computers, and so forth.

For lawmakers in Albany, however, there is yet another prize for allowing the leadership to dominate the Legislature: help in winning reelection. Because the leaders control the most lavishly funded of the parties' campaign committees, loyal legislators don't have to worry constantly about fund-raising. And when redistricting rolls around every ten years, they can rest easy knowing that the leader would not consider even the smallest shift of favorable voters to another district.

No less important, by shirking the hard work of lawmaking and turning it over to the leaders, legislators can devote themselves to the easier, more rewarding tasks of public office: meeting with constituents, interceding with the state bureaucracy, attending political events, and speaking out on the issues. Such activities make legislators popular—many are minor celebrities in their districts—and they amount to the lightest of workloads: little wonder that so many lawmakers keep coming back to Albany decade after decade. The capital's political culture even supplies legislators with a ready excuse for the occasional vote that offends constituents: "The leader insisted."

Beyond these concrete rewards of loyalty to the leadership, the prospect of change just simply frightens many legislators. For them, the current process is familiar and predictable; they know and like their cushy place in it. What's more, whether liberal or conservative, they fear that any shift of power will destabilize the system, bringing about laws that they oppose. By comparison, deliberative democracy is an abstraction, something they neither know nor want.

Talk about the legislative process leaves most people cold, but it matters deeply that the State Legislature conducts its business with such disdain for representative government. In the first place, Albany's leadership-dominated political culture smothers any hint of bold or creative thinking about the state's pressing problems. An intellectual sameness permeates the whole process, making it difficult to identify a distinctively Democratic or Republican view on most issues.

The Legislature's slapdash lawmaking also perverts the separation of powers in state government, giving far greater authority to unelected officials. Poorly crafted laws translate into vast discretion for agency bureaucrats, who must try to figure out the Legislature's intent without benefit of committee reports, transcripts of floor debates, or other common legislative records. Courts, too, must apply statutes regardless of their ambiguity, so when a clear legislative intent is lacking, judges create one.

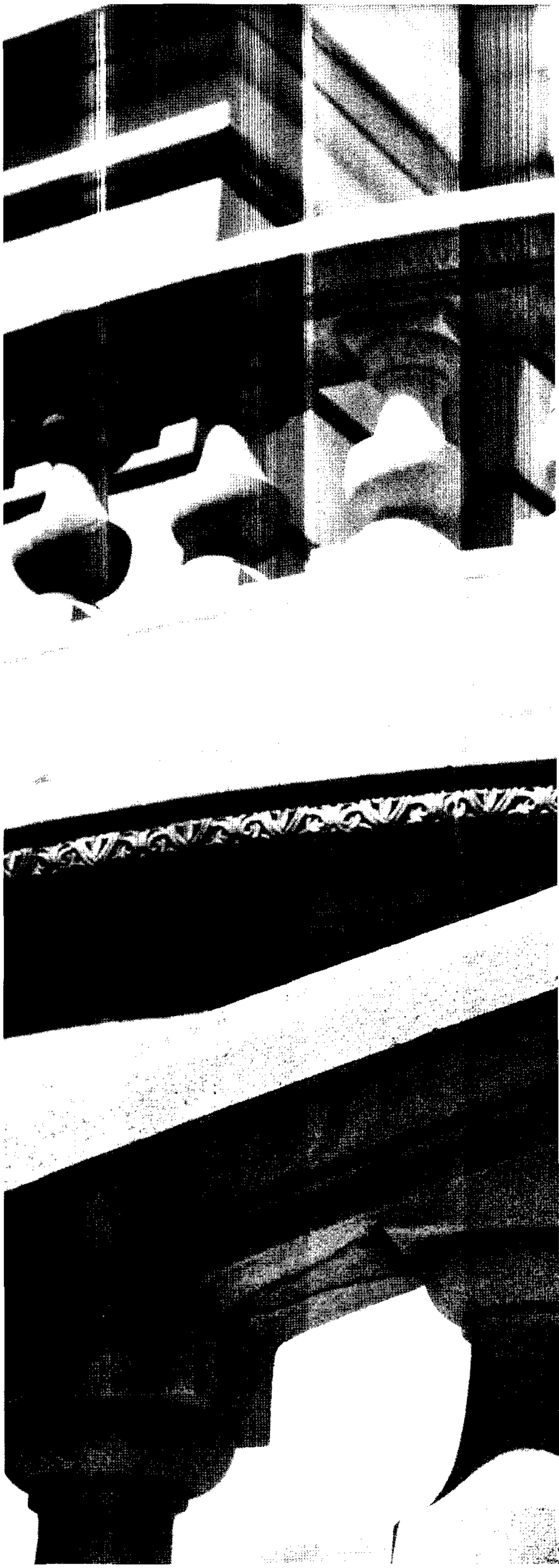
Finally, the Legislature's undemocratic ways breed contempt for state government. New Yorkers who know about Albany's slavish partisanship, last-minute deals, and debate-less votes rightly wonder why such a process should dispose of so much of their income and intrude so insistently in their lives and livelihoods. This class is small—most New Yorkers haven't the faintest idea what goes on in the capital—but it contributes to a growing cynicism about our democratic institutions.

What can be done to restore some integrity to the Legislature? First, committees should insist on more autonomy, with chairmen claiming their due authority over committee staff. Albany might then hold genuine hearings on controversial bills, a key step toward better lawmaking.

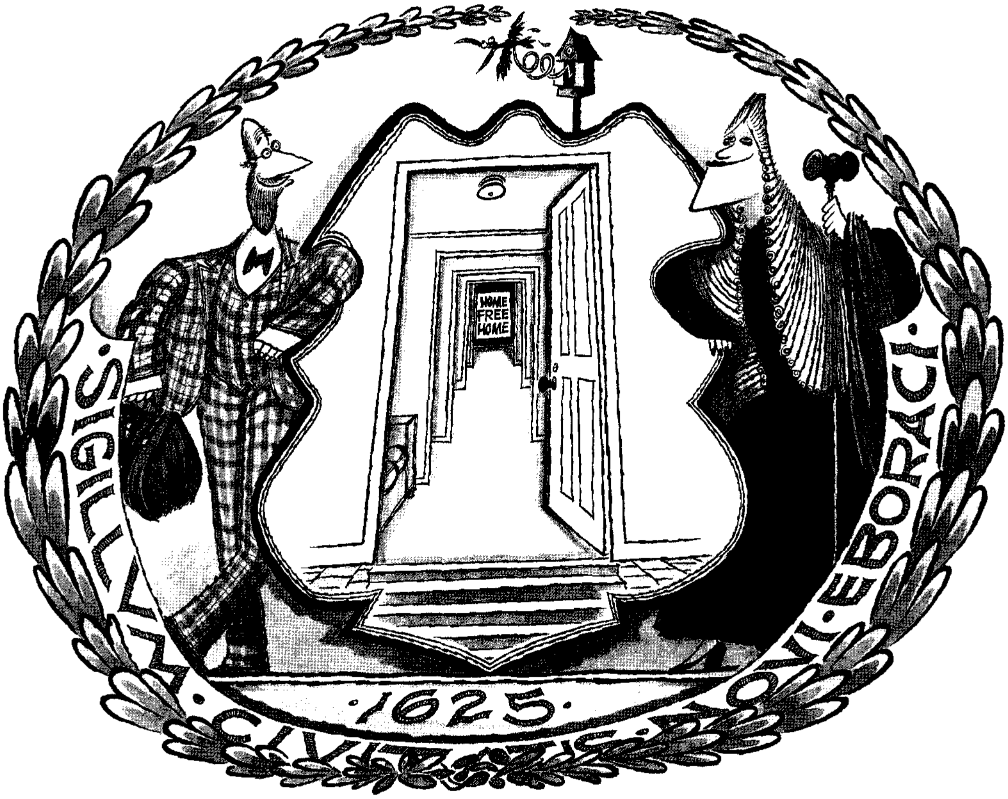
Second, the whole Legislature should operate far more in the light of day. All legislative meetings, including party conferences, should be matters of public record, and committees should be obliged to write a committee report for every bill they consider. Such records would bolster the Legislature's accountability and keep the executive and judiciary from overstepping their bounds when they apply and interpret the law.

These reforms would not require a constitutional amendment or even a statute. A simple majority vote in each house would do. How to get legislators to act? The coming months present several opportunities. New York's lawmakers desperately want a pay raise, having gone without one for eight years, and they intend to bring it up in the current session—a perfect time for commentators, talk radio hosts, and citizens to ask if they even deserve what they are currently paid. And this November the people of New York will vote on whether to call a constitutional convention. Introducing the reforms that I have described into the debate over this referendum might just get legislators' attention and prompt them to act on their own.

The Legislature's problems did not develop in a year and won't disappear in one either. Lasting change will come about in Albany only when reform becomes a standard election issue, like taxes, criminal justice, and the schools. Voters will have to press candidates on their willingness to turn the Legislature into a true representative body. Editorial boards and interest groups will have to stake their endorsements on a commitment to openness and deliberation. Today, legislators' complicity in the Albany system costs them nothing. Tomorrow, it should cost them their jobs. ●



Justice Freedman v. New York



Peter Hellman

For over a decade, an activist judge has made a shambles of New York City's policy for homeless families.

Sitting in Justice Helen Freedman's courtroom while she hears arguments in *McCain*—the seemingly endless case about New York City's policy for homeless families—you don't have to wonder long where her sympathies lie. The State Supreme Court justice wears her heart right on the sleeve of her black robe. She scowls or glares at the city's lawyers; she smiles or gazes benignly at the wiry, intense Steven Banks, lead lawyer for the Legal Aid Society's Homeless Family Rights Project since the beginning of the case. Banks is the teacher's star pupil. As he says with a twinkle in his eye, "I'm a conservative, because all I want is for the judge's orders to be followed."

In scores of rulings since 1985, Freedman has stymied New York's efforts to take control of its policy for homeless families. She has shaped policies governing both how the Department of Homeless Services screens applicants for eligibility and how it treats those who ultimately receive shelter. *McCain*'s paperwork now fills an entire room in the office of the city's corporation counsel in lower Manhattan. Thanks to Justice Freedman, New York has become the nation's undisputed champion in dispensing benefits to families declaring homelessness—a title that the city is now struggling mightily to cast off.

The *McCain* case goes back to 1983, when Yvonne McCain was living with her five children in a welfare hotel in Manhattan. As one of 13 plaintiffs in a class-action suit brought in State Supreme Court, she demanded that the city provide her family with permanent housing—not voluntarily, but as her right. Legal Aid's Banks argued that various statutes and the state Constitution guaranteed this right to shelter. Though Justice Edward Greenfield finally rejected McCain's claim of a right to shelter, he did order that, once the city agreed to house a family temporarily, it had to meet "minimum reasonable standards," such as a bed for each person, clean linens, and access to a bathroom with hot water.

Greenfield's order went into such detail because neither the city nor the state had yet developed standards for shelter. The State Department of Social Services, then under Governor Cuomo, moved quickly to fill the void with its own regulations. The department also issued a notorious administrative directive called 83-ADM-47. A high point for social activism but a nadir for common sense, the directive assured homeless benefits to any "eligible" family and required that such shelter be provided "immediately"—a strikingly unrealistic dictate in a city where nothing is scarcer than housing.

Enter Helen Freedman, who took over *McCain* from Justice Greenfield in 1985. A onetime lawyer for the city's most powerful municipal union and the wife of Henry Freedman, executive director of the Center on Social Welfare Policy and Law and one of the nation's leading advocates for expanding welfare rights, she brought impeccable activist credentials to the case. Wasting no time, she quickly invoked the state directive and ordered the city to provide emergency shelter to any family asking for it, no questions asked.

Determined not to relinquish its homeless policy to judges, the Koch administration took *McCain* in 1986 to the appellate division of the State Supreme Court. But the court's ruling just added to the confusion. While it limited the power of the lower courts to set minimum standards for shelter, reserving that right for the State Legislature, it also pointed to the "likelihood" of a right to shelter, as Banks had been arguing from the start. And it upheld Freedman's order concerning emergency shelter. Shortly thereafter, Freedman ruled that the city's Emergency Assistance Unit (or EAU), where homeless families with children go to seek help, was an office, not a shelter, and therefore the city could not keep families there overnight, even if it was still attempting to determine their eligibility.

McCain then moved on to the Court of Appeals a year later, for what was expected to be a definitive ruling on the all-important issue of a right to shelter. But like the appellate division of the State Supreme Court, the state's highest court also tiptoed away from deciding on Banks's radical interpretation of Article XVII of the state Constitution—which, though stating that the "aid, care and support of the needy are public concerns and shall be provided by the state," also reasonably explains that this shall be done "in such manner and by such means, as the legislature shall from time to time determine." The Court of Appeals contented itself with ruling that the lower courts did indeed have the power to "fashion equitable relief"—that is, to issue standards for shelter—for homeless families. Combined with the state directive, this was just the license for micromanagement that Freedman needed.

In the *McCain* courtroom, Steven Banks and Justice Freedman work together like a couple of experienced ballroom dancers, gliding and whirling to the same ideological waltz and long accustomed to each other's moves. He leads and she obligingly follows. The city almost always sits out.

Consider the following exchange from a *McCain* hearing last spring. Banks had asked Freedman to make the city stop requiring applicants for emergency shelter to call a telephone "hot line" before

Illustrations by Arnold Roth

coming to the EAU, claiming that it was used to discourage homeless families from seeking shelter. He had also requested that she ban "logging out," a procedure that allows the EAU to keep out clients who leave the facility on a temporary pass but do not return by the next morning.

JUSTICE FREEDMAN: Okay . . . I'm going to grant that relief [banning the hot line]. Would you please submit an order . . . by Monday or Tuesday?

BANKS: We'll submit it this week, your honor.

JUSTICE FREEDMAN: I'm also going to enjoin the improper logging out. Now that's a harder one. Can you fashion an order to do that?

BANKS: Yes, your honor.

Freedman then turned to Banks's demand that no family be kept at the EAU longer than 24 hours, even though state regulations allow 48 hours.

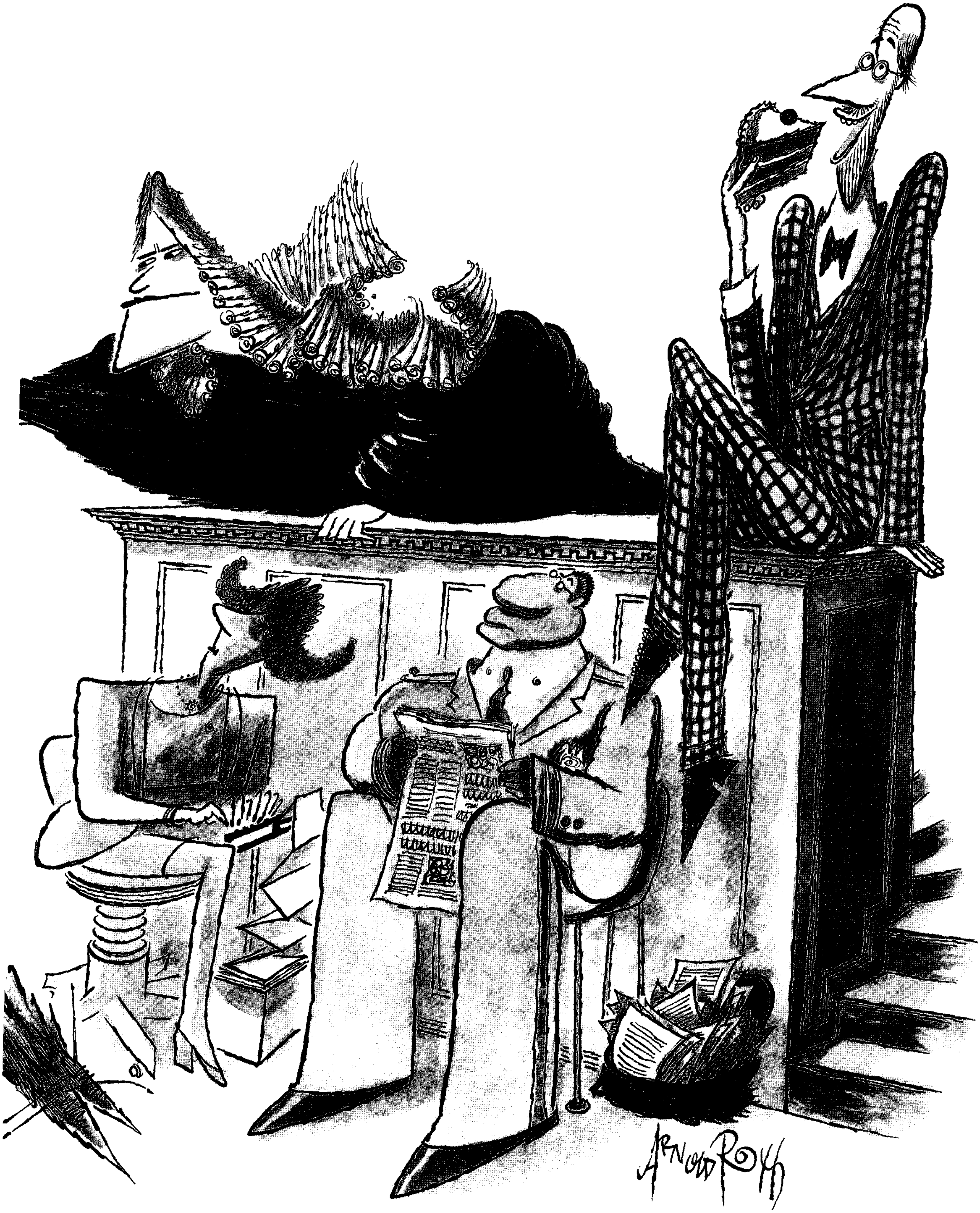
JUSTICE FREEDMAN: I do not understand why you need to keep anyone on the floor for 24 hours. I understand that the 48 hours . . . obtains, but as far as I understand that, that means for [finding them a] placement. But I see no reason for people to be left on floors pending the placement.

BANKS: Shall we so provide in the order to be submitted?

JUSTICE FREEDMAN: Yes. For Monday.

For more than a decade now, this has been the drill in the *McCain* courtroom: the city or state establishes a procedure or writes a regulation. At Banks's request, Freedman blocks it. She then issues his version of the procedure or regulation as an order of the court, and if the city doesn't comply, she brandishes a charge of contempt—a threat that she has not hesitated to carry out.

Justice Freedman escalated her activism in *McCain* in the early nineties. At the time, rising numbers of families in New York were declaring homelessness, in large part because of the city's exceedingly generous policies. In the mid-eighties, when the city's pockets jingled with money, Mayor Koch had launched a multi-billion-dollar effort to build or rehab thousands of units of housing, much of it for the homeless, and had set aside thousands more units for the homeless in existing public housing. Families that qualified often found themselves in their own homes after


ARNOLD ROTH

as short a wait as three months, leapfrogging long waiting lists of the working poor. While these homeless families awaited their new apartments, the city put them up in welfare hotels, where they were guaranteed such amenities as room cleaning every other day, a weekly change of linens, and a restaurant allowance of several hundred dollars a week.

In 1990 Freedman barred the city from using several of these welfare hotels, despite the fact that they met state standards. The source for her objections: Steven Banks and his staff, whose claims about unacceptable conditions she took as gospel. When caseworkers at the hotels testified that the city had taken care of the problems, the judge declared their testimony "unconvincing." Of course, Freedman could have visited the hotels in question to make up her own mind. The city asked her to do just that. She refused.

In the hotels that Justice Freedman did approve, she ordered the city to furnish private cooking facilities for all rooms for families with children—despite a state regulation explicitly allowing rooms that were less fully equipped. Freedman's reasoning departed from the usual concerns of a court. With in-room cooking, she explained in an early 1991 order, children would not eat so much unhealthy fast food, which would presumably be their staple if the family just received a meal allowance. Fast food, she warned, is "high in fat and salt." Sound advice from a dietician. But from a judge?

Insisting that such renovations need not be costly, Freedman cited advertisements, supplied to her by the Legal Aid Society, claiming that a compact kitchen could be installed for as little as $800. The city's Department of Homeless Services showed that just installing the ductwork necessary to meet fire and building codes would cost more than that.

Justice Freedman has turned her prerogative to "fashion equitable relief" into a tour de force of judicial micro-meddling. No detail of the EAU's operation has been too small to escape Freedman's attention—right down to the availability of bottle warmers. As Susan Demers, former general counsel to the State Department of Social Services, writes in the *Fordham Urban Law Journal*, Freedman's actions in *McCain* are "precisely the kind of excessive entanglement in executive agency operations that courts should avoid and that our jurisprudence contemplates they will avoid." The court, she continues, "has never found that the state and city have failed to provide . . . shelter to homeless families in keeping with applicable statutory or constitutional mandates."

Justice Freedman hasn't confined herself to the petty details of the city's homeless programs; she has intervened in government policy making at the highest level. Toward the end of 1995, the State Department of Social Services attempted to replace its 1983 directive with new eligibility regulations for homeless families. The old rules, in keeping with the liberal sentiments of the eighties, placed no responsibility on shelter residents to refrain from "dangerous or disruptive behavior." Anyone engaging in such behavior was simply transferred from one shelter to another rather than booted out of the system. The new directive allowed a shelter to eject a family that flouted the rules—by fighting, ignoring standards of cleanliness, violating curfews, or selling drugs. The same went for a family's refusal to cooperate with social workers in designing an "independent living plan" meant to get them out of the homeless system and into permanent housing.

Though the idea that responsibility went two ways was new to homeless family policy in New York, the revised regulations were far from draconian. A family evicted from a shelter for bad conduct could apply for housing again after just 30 days. As for the "independent living plan," a family just had to cooperate in creating it; the city could not penalize a family for failing to meet its goals.

Compared to the stern welfare reform legislation then sweeping through Congress, the 1995 state directive seemed, if anything, downright softhearted. But Banks did not see it that way. "Steve kept insisting that these regulations meant that children would be ejected into the streets," explains Bert Knaus, the lead lawyer for the

Department of Homeless Services. "But without a process, how do you get leverage over people to get them to do what they're supposed to do? Any rational person will follow rules if faced with consequences." At a hearing in November 1995, city attorneys listened in shocked dismay as Justice Freedman announced, "These regulations are cuckoo." At Banks's request, she issued a temporary restraining order, summarily halting their implementation. Apparently, Freedman believes that it is a civic duty to provide shelter to families no matter how bad their behavior.

The stillbirth of the new regulations was "the most frustrating moment in my career," says Joan Malin, then commissioner of the DHS. By "gutting" these new regulations before they could have a chance to work, Freedman had "approached them as if they were presumptively illegal," says Knaus. "It's supposed to be the other way around. Regulations issued by a competent state agency ought to be presumed lawful."

The longest-running—and most public—battle between Justice Freedman and the city has been over "front end," or intake, procedures at the city's Emergency Assistance Unit in the Bronx. In 1991 the judge held the city in contempt at Banks's demand for failing to move families with children out of the EAU quickly enough. She sentenced four Dinkins administration appointees to spend the night at the facility (a punishment overturned on appeal). Last summer, in response to seasonal overcrowding at the EAU, she again slapped the city with a contempt charge, threatening to make it open another such facility if overnight stays did not end. She also demanded a halt to the city's effort to enroll adults at the EAU in workfare or even to discuss the program with them. An indignant Mayor Giuliani charged that Justice Freedman "has lost all perspective on what it means to be a judge in this legal system."

The former factory building that houses the EAU, squat and terminally dreary, sits beside the Metro-North tracks, almost under the shadow of Yankee Stadium, at the corner of 151st Street and Walton Avenue. Families wanting to declare homelessness after 5 PM or on weekends, when welfare offices are closed, must come here. Though Banks and Freedman have seen to it that the EAU provides certain free services—three meals a day, showers, basic baby supplies, nursing care—nights at the EAU are nobody's idea of a fun camp-out. The facility has no beds other than cribs; adults and older children awaiting eligibility or a placement must sleep on the floor or on plastic chairs. Overhead lights remain on all night.

For those willing to bear such discomfort, the EAU is the gate to an urban version of the promised land. Beckoning on the other side is a stay at one of the city's 75 motel-style, Tier II residences, complete with private bath and kitchen facilities. Some 12,500 people now live in these shelters, each family costing the city $100 a day. Tier IIs impose no work requirement, and residents can spend as long as two years in them. At one of these shelters, I was told not to walk the halls at 11:45 AM because many of the women would still be in their nightgowns.

From a Tier II residence, families move on to their own apartments, usually by winning a federal Section 8 rent voucher, which provides far more cash for rent than welfare does—for a family of four, $761 a month, versus $312. The city pays for moving expenses, a security deposit, broker's fees, and furniture, and gives landlords a bonus of up to $1,000. For New York alone, the price tag for all its services and programs for the homeless is $400 million a year. It is a package well worth a stay at the EAU, even if the nights are miserable.

Justice Freedman long insisted that the EAU place all families with children into temporary housing before a night had passed. She could claim authority for this view by pointing to the state's 1983 directive, which required families declaring homelessness to be sheltered "immediately," and to the subsequent ruling by the appellate division of the Supreme Court that took the directive literally. She now allows the city 24 hours for a placement—her split-the-difference response to a 1994 state directive that explicitly gives agencies 48 hours for a housing placement. Having failed to get the appellate division of the Supreme

Court to overturn this defiant gesture, the city has asked the Court of Appeals to review it.

What explains the overcrowding and delays at the EAU? Not the city's cold indifference but rather its difficulty determining who in fact is eligible for homeless benefits. Most families arriving at the EAU have been living doubled or even tripled up with relatives or friends. Often a young, single mother has decided she no longer wants to live with her mother or grandmother. She has left voluntarily but can claim that she has no housing options—and the city must give her a respectful hearing. Such families believe—with reason—that the best route to subsidized housing of their own starts at the EAU, and they are willing to languish for days to get it.

In *McCain* hearings, Steven Banks often brings the plight of these families to Justice Freedman's attention, but such cases are not always what they seem. Last year, for example, Banks complained that a homeless, wheelchair-bound, HIV-positive mother and her children had been forced to spend night after night at the EAU. Sounds pretty terrible, doesn't it? Except, as the city discovered, the family actually lived in public housing. The woman's husband, it seemed, had been caught burglarizing a neighbor's apartment. Fearing retribution, she had come to the EAU with her children to demand another apartment elsewhere. A matter for the police rather than the city's homeless agency? Not according to the woman—or Banks.

Or take New York native Deborah Davis, who was living in Florida until her son "started messing up" in high school. Last summer Davis moved to New York with her two kids because, she explains, it was "the only place as far as helping us." Davis's plan: to go to nursing school and to enroll her son in an "alternative high school"—once the city provided her with public assistance and permanent housing. Legally, nothing stops Davis—or anyone else from anywhere else—from becoming a welfare pilgrim to New York.

Even when the city agrees to house a family, it is not always easy to do. Most Tier II shelters are not set up for, say, a family with nine children. It is especially difficult to place teenage boys in a Tier II filled with single mothers, some of them also teens, whose days are idle. The former director of a Tier II in Queens remembers calling into her office two teenage brothers who had "girlfriends" in each wing. "If you don't slow down," she counseled the boys, "it's going to fall off."

It is easy to confuse who is doing what to whom at the EAU, as the press confirms every time it reports on the issue. It seems as if the big, callous city were forcing children to sleep bedless on the cold floor. In fact, it is their elders who often insist on camping out at the EAU, even though they were sleeping on beds somewhere else the night before. *They* are the ones who have thrust their children into this grim situation. And if the city were to whisk off each arriving family to housing that is acceptable to Steven Banks, the number of applicants would soar. Of the estimated 200,000 to 300,000 families living doubled up in New York, who among them could resist, if upgrading their housing at taxpayer expense required nothing more than walking into a city office?

If the city's housing opportunities are not incentive enough to attract families to the EAU, Justice Freedman has made it profitable for them merely to come pass the time there. From 1991 to 1994 she hit the city with fines of $50 a night, payable to each family with children kept at the EAU overnight if they arrived by midnight, and an additional $100 a day after that. Freedman suspended the fines against the city in 1994 but two years later decreed new ones, now raised to $150 a day for families kept at the EAU more than 24 hours. By the end of 1996 the DHS had processed over 30,000 claims and paid out more than $6 million.

Filing for fine payments has become a lucrative ritual for some EAU regulars, who are advised of their right to cash payments by signs on the premises. By the end of 1996, according to DHS records, 728 families had reaped over $1,000, and 58 families had topped $2,000. The biggest money winners tend to have larger families, which, being harder to place, typically stay longer. Sadel Johnson got $6,500 for a total of

41 visits to the EAU. Bernard Robinson got $5,400 for 29 visits. Kawaina McCullough got $5,200 for 18 visits. And Ben Nicholson, the current champion, received $7,250 for 28 visits with his family.

"Family" and "child" are the operative words in qualifying to receive the fines, and the EAU defines both with the utmost flexibility. Anyone under age 21 is a "child"—a profound irony since many parents at the EAU have yet to reach that age. And a "family" is just about any group choosing to call itself that. The four adults and five children in Ben Nicholson's family, for example, have four different last names. Or consider the Rojas family: 27-year-old Maria Rojas, a 17-year-old boy who she claimed was her legal husband, and his 15-year-old sister. Rojas had previously come to the EAU with a different "husband."

Since last summer's overcrowding, the EAU has taken a new, tougher stance on eligibility for benefits. "When [Justice Freedman] threatened to make us open another EAU if overcrowding continued," explains a city official, "we screwed up our courage and decided, okay, we'll make it harder to get in the front door." EAU workers started turning away families that had been living with relatives or friends, telling them to go back to where they had slept the night before. Surprisingly, most families are persuaded to do just that. Even more surprisingly, Justice Freedman has, so far, permitted the city to carry out this new policy despite the protests of Banks. It would seem that the mayor's fierce criticism of last summer has chastened her, at least for now. And the result of the city's toughened eligibility policy at the EAU? Less crowding, which is just what Freedman demanded.

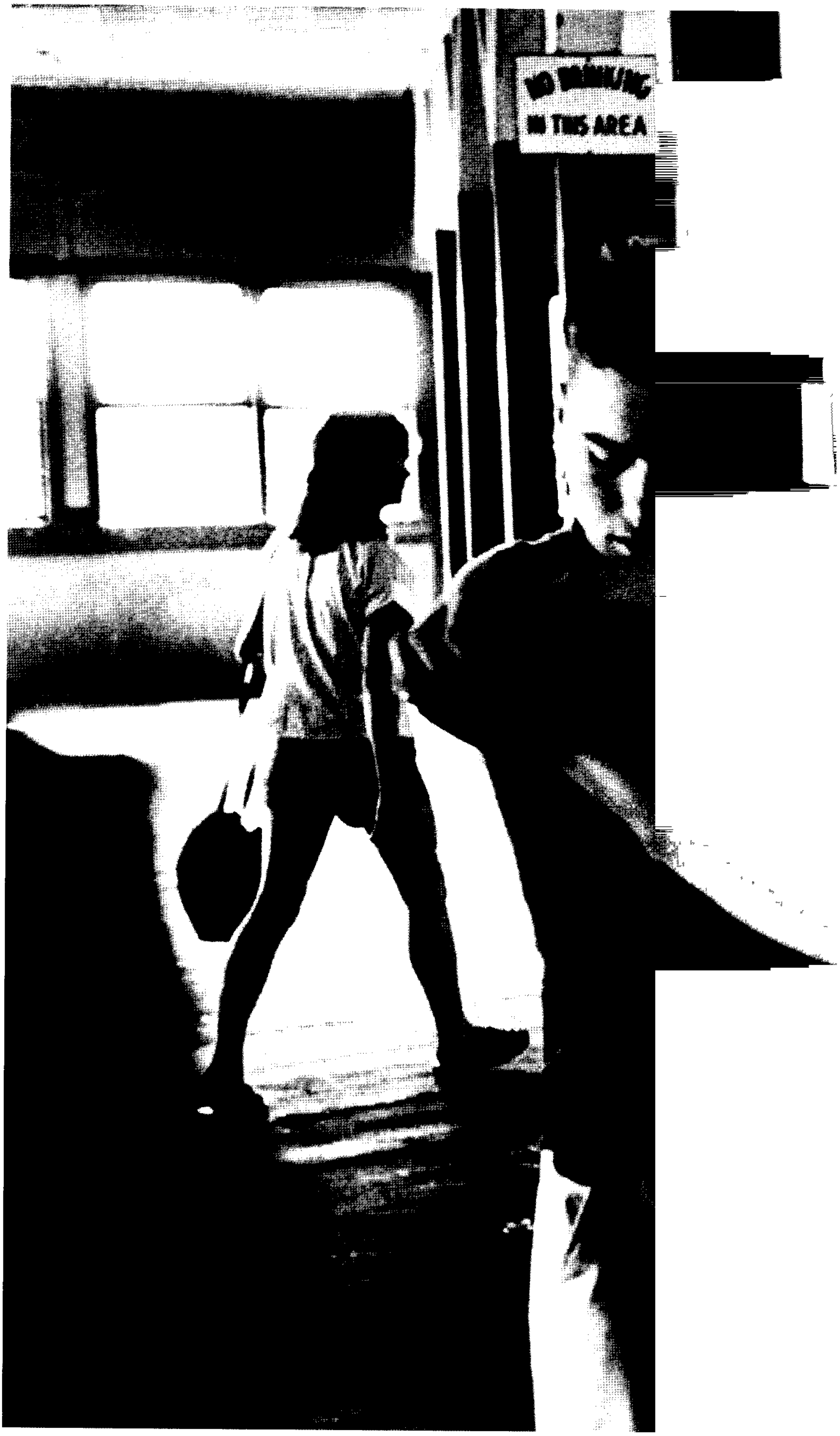
Change has yet to come, however, to the two large, windowless rooms in the Department of Homeless Services where a staff of four "temps" and two supervisors continues to process claims for fines by families that stayed at the EAU as far back as 1991. In determining who is to be paid, the clerks must dig through dozens of cabinets and cartons filled with old EAU check-in and check-out logs, as well as passenger manifests for van transfers from the EAU to other shelters. It is a slow task, and over 6,000 cases remain open. The department's Bert Knaus calls the process, which Banks and the Legal Aid Society supervise, "a nightmare on top of an unworkable remedy."

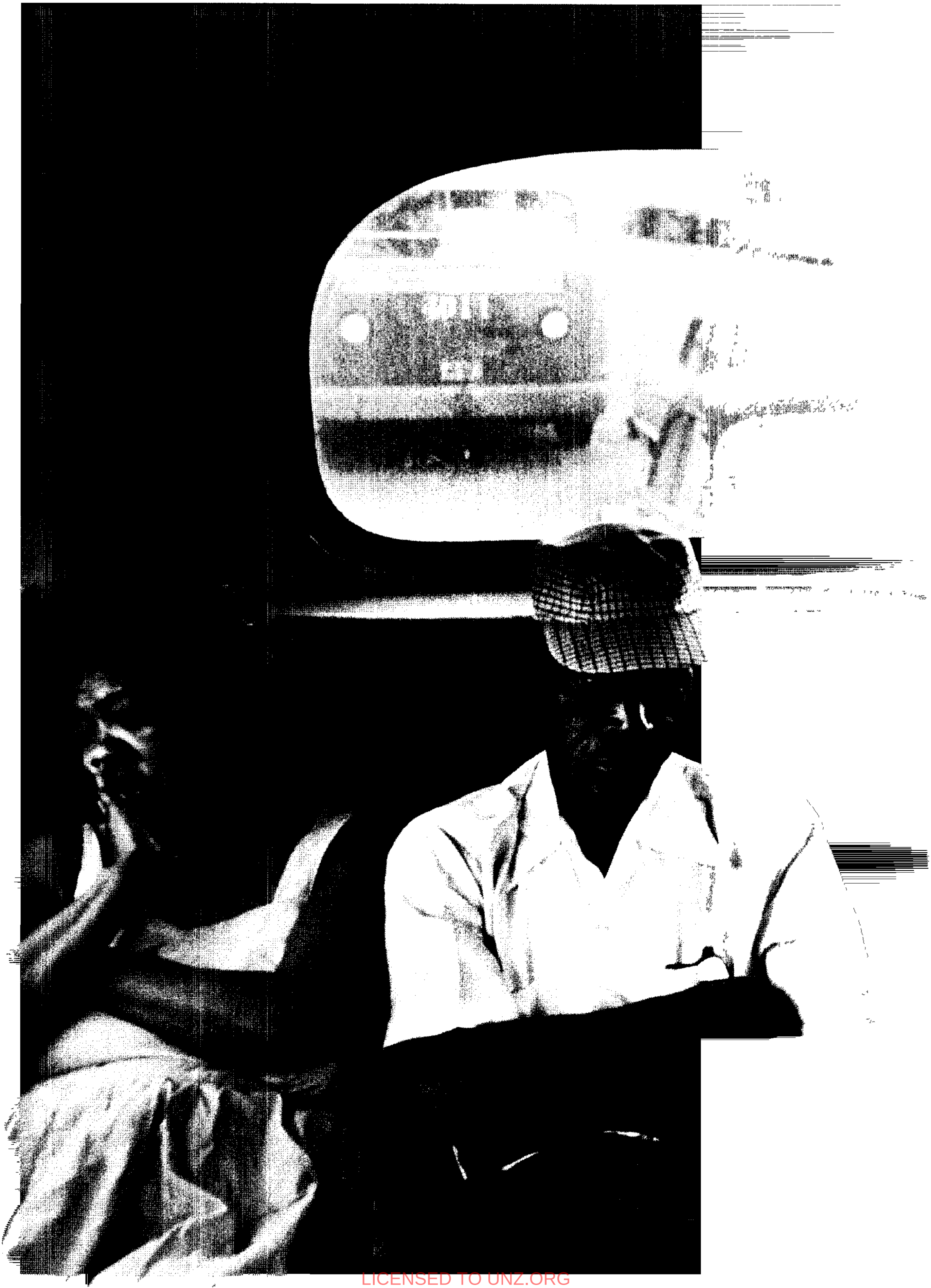
The lead "temp" on the payment team is Angela Baker. She was once, briefly, on welfare herself. She earns just $6 a hour, with no benefits. At that rate, Baker makes less for a day's work than she pays to a family for staying overnight at the EAU. "When you sit at the screen and pay somebody $1,000—I've paid up to $3,000—you ask yourself what you're paying them for," says Baker. "Because a girl says, 'I don't want to be with my mother anymore so I'm gonna hang out for a while at the EAU?' I can't see the logic behind it."

Helen Freedman, please explain.

Brooklyn gang
1959

PHOTOGRAPHS BY
BRUCE DAVIDSON


NO DRINKING
IN THIS AREA



Community, Yes

Amitai Etzioni

Roger Scruton, in an effort to make a better target for himself, misrepresents the core communitarian position. He maintains that the central tenet of my work is that “the time has come to write ‘we’ in the place of ‘I,’ and ‘responsibility’ in the place of ‘right.’” Properly understood, the idea of community avoids the simple dichotomy between “I” and “we.” As I have argued, individual rights can exist only in an orderly society, not in a social vacuum or moral anarchy. To quote from “The Responsive Communitarian Platform,” a manifesto that I helped to draft, we must recognize “that the preservation of individual liberty depends on the active maintenance of the institutions of civil society where citizens learn respect for others as well as self-respect; where we acquire a lively sense of our personal and civic responsibilities, along with an appreciation of our own rights and the rights of others.” Communitarians aim, in short, to strike a balance between individualism and social duty, which means that they offer very different prescriptions for, say, the rights-obsessed United States as opposed to authoritarian Singapore. It is an eminently reasonable position—and hardly one that “tenured radicals” are rushing to endorse, as Scruton asserts.

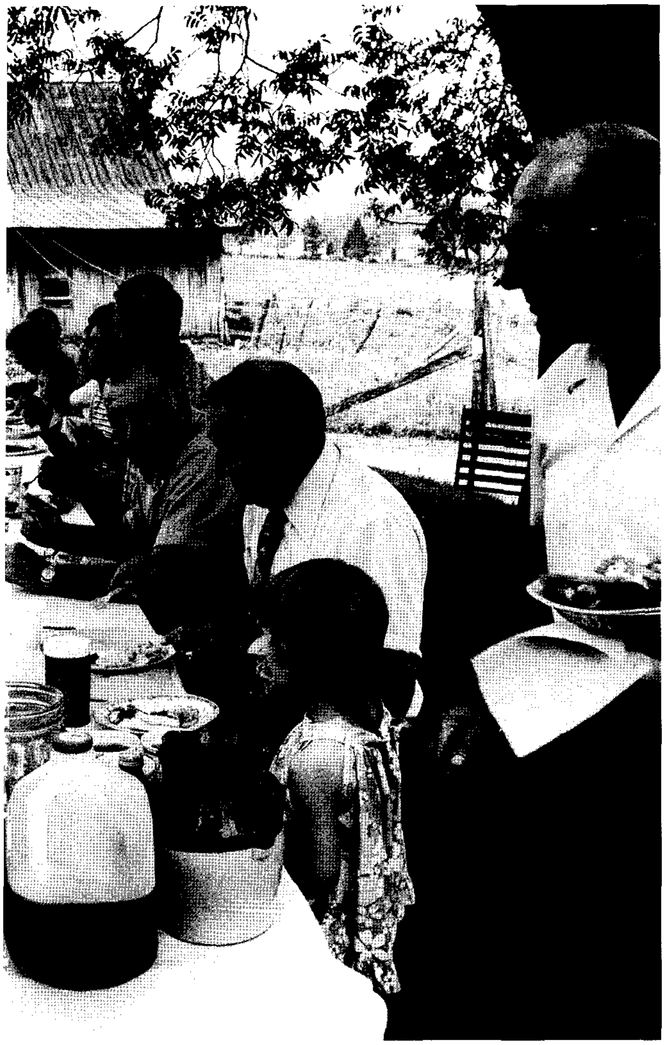
Communitarianism rose to prominence in the eighties within academia through the work of scholars like Michael Sandel, Charles Taylor, and Michael Walzer. These critics of classical liberalism rejected the idea that we are free-standing individuals whose moral commitments are based on abstract universal principles (as described by Locke, Kant, or John Rawls). Rather, they insisted, we are beings deeply integrated into social groups, groups to which we have special obligations that do not extend to all others. In a more sociological vein, Robert Bellah and his associates showed that a faulty, individualistic public philosophy was partly to blame for the disintegration of community and social order in the United States.

JAMES R. SMITH/GLOBE PHOTOS

Editor's note: *In “Communitarian Dreams” (Cit*
Journal, Autumn 1996), Roger Scruton found muc
to criticize in the widely celebrated intellectual mov
ment called communitarianism. Communitar
ians present themselves as champions of tradition
social ties and opponents of the self-absorbed atomis
of modern society. But for all their talk about share
values and social sentiment, Scruton charged, commu
nitarians deeply distrust local communities and th
institutions of civil society. Instead, they favor a

Amitai Etzioni continues on page 79

But Whose?



expansive welfare state, which they see as embodying the inclusiveness and mutual respect that are the essence of community—but which, in Scruton's view, has caused much of the decay of community that they bewail. As Scruton summed it up, communitarians are "just so many made-over liberals, dressed up in a rhetoric of fellow feeling." Amitai Etzioni, a well-known communitarian thinker whom Scruton singled out for criticism, responds opposite, on page 72. Scruton's reply begins above.

Roger Scruton

In "Communitarian Dreams," I survey the thought and arguments of a variety of thinkers who have been described as communitarians, to see whether they have a common intellectual stance and a common political agenda. I was troubled by a paradox—namely, that the intellectual arguments of the communitarians seem to be borrowed directly from the tradition of social conservatism, while the political agenda remains one that Americans would describe as "liberal," endorsing the use of state power in the interests of social and material equality.

American liberals show an extraordinary propensity to take over conservative concepts and arguments while pretending that they are not conservative at all, and that no one had previously thought of them. A glaring instance is Michael Sandel, who in *Liberalism and the Limits of Justice* (1982) reworks in response to John Rawls the devastating critique of social contract theories once made by Hegel, but without once mentioning Hegel or any of the other conservative thinkers who had anticipated Sandel's argument. Similarly, Charles Taylor, in *Sources of the Self* (1989) and elsewhere, first puts forth a picture of the relation between individual and society that is close to that proposed by Burke and de Maistre (neither of whom he acknowledges) and then tries—none too successfully—to wriggle out of the conservative implications. The same wriggling can be witnessed in Amitai Etzioni's writings, and although he refers principally to contemporary authorities, this does nothing to conceal the fact that his *arguments* derive from the conservative riposte to the Enlightenment and can be found in far clearer and more trenchant form in Burke, Hegel, de Maistre, Sir James Fitzjames Stephen, and F. H. Bradley.

The liberal position, for modern American thinkers, is roughly this: society is an association of free and equal individuals, bound by a social contract. Each is sovereign within his sphere, and the purpose of the contract is to safeguard his sovereignty by guaranteeing his natural rights.

No individual has real authority over any other, and none has a right to more than his "fair share" of the social product. The state exists in order to defend individual rights against external and internal predators. But it is also there to ensure that those who have less than their fair share are restored to the condition of primal equality upon which the validity of the contract depends. Hence the state may legitimately engage in extensive welfare programs, while remaining aloof from all those aspects of human life that fall within the sphere of individual autonomy. The state cannot dictate, for example, in matters of sexual mores, religion, private morality, or aesthetic taste. Modern liberals often go further and suggest that the state, and especially the courts, should be actively involved in helping the individual to escape from the social pressures to conform to any other person's "conception of the good," to use Rawls's slippery phrase.

> **"Society is not composed of the abstract rational choosers of liberal theory but of concrete human beings."**

This position should be distinguished from *classical* liberalism, which sees the state merely as a guardian of our liberties and not as a machine that takes charge of civil society and forces it into some egalitarian mold. Classical liberals like Locke saw the social contract as a device for protecting liberty and property. For modern liberals—and they are indistinguishable from socialists in this regard—wealth is a "social product," to be distributed by the state in accordance with principles of justice. The classical liberal is acutely aware that wealth does not come into the world unowned. To suppose that it is the business of government to "distribute" the "social product" is to license the oppression of the individuals who created it.

Conservatives have more in common with classical than with modern liberals. They share the classical liberal's respect for private property, and acknowledge that wealth is created only under conditions that establish it as privately owned. They wish to limit the power of the state to those areas in which the state alone is competent—defense, law enforcement, and so on. And they are hostile to elaborate systems of welfare provision—not because they violate individual rights but because they extinguish individual duties and generate a dependency culture from which nothing noble or useful can emerge.

Nevertheless, conservatives are not classical liberals. Here, very briefly, is what serious intellectual conservatives believe: society is an association of individuals who are not free by nature but who may *become* free through their social relations. It is not a contract, because the majority of its members, being either dead or unborn, are not in a position to signify their assent to the arrangement, and because even the living members acquire the ability to contract only as a result of their social membership and not prior to it. Individuals have rights, but only because they also have duties and responsibilities, and none of these things are "natural"—on the contrary, rights and duties form a reciprocal web of obligation that is formed by and in response to history. Society is not composed of the abstract rational choosers of liberal theory but of concrete human beings, who come into a world already charged with demands and obligations, who are shaped by circumstance and tradition, and who have no conception of what they want or how they should live prior to the process of maturation that shapes them to live in a particular way. Individuals become responsible members of society through accepting the authority of other people, of offices, laws, and gods.

The social condition that results from this process is one of rooted inequality—there is no way that people who are unequal in their natural endowments can become equal in their material or social advantages, not even if a terroristic machine is constructed to compel them. Through civil society—which is the network of "small platoons," of family ties, local institutions, and economic activity—people may come to recognize that they are not diminished by their inequality, since human life can flourish in many ways and achieve the love and recognition that are its due. But if they are fully to accept their fate, people require something else—a common culture, usually with a religious basis, that will instill the habit of obedience to things outside the self. It is not for the state to take charge of this culture, since it is incompetent to do so. But it must allow the law to express and endorse the common culture. Although the law may grant freedoms—like the freedom of speech—that are essential for rational government, it must always be prepared to qualify those freedoms when social order is jeopardized by their exercise.

Traces of this conservative view appear in Etzioni's writings and in his reply. And that is why I am anxious to know whether he is prepared to accept the consequences—in particular, those consequences that are shunned by liberals. Is he prepared to accept that the state should refrain from actively remaking civil society in the image of the liberal contract, that the law should not be used to impose on people rights that are subversive of the social order, that families, religious institutions, and schools should be places in which obedience is taught, as well as freedom? Is he prepared to recognize the place of authority, tradition, and piety in forming a coherent common culture? And does he recognize that the attempt to bring about the kind of equality esteemed by liberals not only will never succeed, but invariably involves the massive transfer of power to the state and the subversion of the distinction between state and civil society?

His reply shows the same determination to avoid these consequences that you find in the writings of Sandel, Taylor, and Michael Walzer. For all Etzioni's protests to the contrary, therefore, it seems to me quite right to say that communitarianism accepts the uncomfortable truths that conservatives have put before us but pretends that they are neither uncomfortable nor conservative. Etzioni agrees that rights and freedoms must be paid for with responsibilities and duties, and agrees that the state cannot take charge of maintaining the web of reciprocal obligation on which society depends. But he so radically under-describes the "community"—the entity that he invokes in place of the state—that it is not surprising to find that, whenever it comes down to practicalities, it is the state that he summons to pick up the pieces. That was the point of my reference to his solution to the "deficit of parenting." He protests that I have misrepresented his argument, but in truth he does not merely suggest that "American society" provide "public support" for parents of infants. In *The Spirit of Community* (1991), he proposes government-mandated leave for new parents, much of it paid, with companies and taxpayers picking up the bill. This involves radical state interference in the contract of employment, in the relation between employer and employee, and in the productive process, while requiring a substantial redistributive tax. At the same time, his proposals leave the root of the problem untouched and seem designed precisely to *leave* it untouched. The real "deficit of parenting" stems from the assumption—which state support of the kind proposed by Etzioni can only encourage—that women ought to have the same employment prospects as men, that the cost of raising a family is the state's concern, and that childbirth ought to involve no sacrifice of freedom and opportunity on the mother's part.

Now I do not doubt that there are great problems facing modern societies and that Etzioni has done a service in identifying them in terms that enable liberals to acknowledge their existence, as they could never acknowledge the existence of problems pointed out by conservatives. But we will not begin to deal with these problems if, having recognized that the attempt by the state to solve them leads only to their exacer-

FPG

bation, we invoke something else, vaguely described as "community," to do exactly what the welfare state was supposed to do.

Besides, only if we are prepared to say what communities are or should be—how they are formed, how they endure, and how they secure the loyalty of their members—will we have produced a viable alternative. This is where, I believe, the charge of sentimentality sticks. Communities, as Etzioni sees them, are formed by gentle persuasion among well-meaning people like himself. The worst that happens to the nonconformist is that the "conversation at the country store, pub, or water cooler" turns against him. Nothing like *The Scarlet Letter*—even though, if America has come up with any viable description of community, that may be as good a candidate as any.

Etzioni's "communities" come in all colors and shapes. Some of them he rightly finds distasteful; all, he believes, must be submitted to "independent moral scrutiny." But how and by whom? He tells us that communities might be "entrusted" with sustaining moral order only so long as they do not deprive people of their rights to freedom of speech, freedom of assembly, voting, and so on. Entrusted by whom? The very list of qualifications indicates the answer: entrusted by the state, since freedoms of this kind are what the state is charged with defending.

Moreover, Etzioni believes that there *is*, after all, a guarantee of the moral order in the state. This guarantee is the Constitution—not, it would seem, the Constitution as originally envisaged by the Founding Fathers, for whom (being members of genuine communities) it would have been unimaginable that the right to free speech could extend to pornography, or that American citizens should have a right to "privacy" that is violated by any attempt to prevent them from killing their unborn children. Etzioni appears to take for granted that the Constitution is that dynamic thing that the Supreme Court, under successive liberal majorities, has imagined it to be: the con-

A May Day party in Central Park in 1911.

stantly evolving instrument for preventing one citizen from imposing his values on another—in other words, the organized enemy of community in its traditional forms. Etzioni's invocation of "community" as the source of moral order is therefore entirely spurious. Communities must conform to the Constitution, and the Constitution is a liberal fiefdom, with absolute authority to destroy whatever stands in its way.

Of course, the Constitution doesn't *have* to be a liberal fiefdom. But it becomes so just as soon as its interpretation is detached from the tacit endorsement of the community that first invented it. Judges like Robert Bork, who interpret the Constitution in terms of the civic aspirations of the Founding Fathers, restore it to its true place, as the foundation of American society. Such judges give to communities their true and deserved place in our scheme of things. And that is why every effort is made to keep them out of the Supreme Court by those for whom the purpose of the Constitution is not to safeguard the inherited community but to protect the modern urban solipsist.

"We must recognize that the rights and duties of the *citizen* are not all the rights and duties there are."

This is not to say that we should look elsewhere than the Constitution when it comes to determining the rights and duties of the citizen. But in doing so, we skirt the real question: who is charged with interpreting the Constitution, and how? If we really believe in the community as the source of our values, we should allow the communities of the United States to determine what the Constitution means by free speech, for example, and whether pornography is an instance of it. We should not interpret the Constitution through the liberal agenda, or use it to permit and protect activities that are not merely abhorrent to existing communities but that, through their very propagation, dissolve the trust and goodwill on which communities depend. When homosexual "marriages" find the endorsement and protection of the Supreme Court, the status, dignity, and commitment of traditional marriage will be seriously altered. No solemn vow can coexist with a living caricature of itself, nor can the idea of marriage as a commitment to family, to the future, and to a life beyond one's own, survive the blatant public display of "marriages" that can be no such thing.

Of course, this retreat to the Constitution as the final arbiter when the going gets tough is parochial, to say the very least. I don't know whether we, in the United Kingdom, really *have* a constitution. Nevertheless, we must address and resolve the very same problems that Etzioni considers. Besides, even if it is true that a constitution (where it exists) determines the rights and duties of the citizen, we must recognize that the rights and duties of the *citizen* are not all the rights and duties that there are. And if the rights and duties of the citizen clash with those of the father, mother, or child—as in *Antigone*—or with those of the good member of society, a constitution ceases to be the friend of society and becomes its enemy. And the U.S. Constitution, as interpreted by liberals, is, in my view, the enemy of society. It has taken upon itself to permit activities that destroy the web of social obligation, from pornography and easy divorce to abortion and sexual deviance, while forbidding other activities, such as school prayer, sexual segregation, differential pay, or compulsory retirement of the old and the infirm, that tend to renew the allegiance and obedience on which moral order depends.

The question that I raised in "Communitarian Dreams" is precisely the one that Etzioni has not answered: namely, to borrow his own terms, how do we fashion a viable "we" in modern conditions, while retaining the sovereignty to which the "I" has become accustomed? I have no easy answer to the question, partly because the rot engendered by liberal attitudes has gone so far. But let me make a suggestion. The effect of the liberal agenda has been to corrode the social order that makes it possible to be a liberal. At a certain point an equilibrium was reached—the equilibrium that you can perceive in the early novels of Henry James, say. Then, the cement of community held firm, while the liberal freedoms, grafted upon society by urban life and held in place by the Constitution, created a unique and widespread habit of toleration. The dialectical relation between traditional community and bourgeois liberty persisted into more recent times. But it depended upon the constant, self-sacrificing, and thankless labor of conservatives, who tried to shore up the old decencies, the old authorities, the old forms of education that had obedience and duty as their goal, in the face of vociferating liberals for whom individual freedom was the be-all and end-all of our existence.

We have now passed the point of equilibrium and live among the ruins that liberal attitudes have caused. Etzioni is aware that a society cannot survive without families, without enduring commitments, without an endless web of obligation that ties us to the unborn and the dead (though he avoids being too explicit on the point)—in short, without a "we" that is something more than the contract between "I"s. But the forces that undermine this "we" are precisely those that animate his prose: on the one hand, the suspicion of ordinary prejudice, of authority, punishment, and discipline; on the other hand, the desire for a society conducted entirely as a dialogue between people with open minds. Communities need minds that in key respects are closed; and the universal attempt to open the minds of the American people has in the end merely emptied them of the small store of social knowledge that they once contained. •

Amitai Etzioni continued from page 72

Today's communitarians—including such varied public intellectuals as Jean Bethke Elshtain, Francis Fukuyama, William Galston, John Gardner, Mary Ann Glendon, and myself—subscribe to much of this critique, taking it for granted that our predecessors have established the importance of social attachments and obligations. We are more concerned with specific issues that arise from the need to balance individual rights with personal and social responsibilities. Here conservatives like Scruton run into trouble and need communitarian rescue.

Conservatives increasingly occupy a house divided. On the one side, we find laissez-faire conservatives, whose primary aim is to protect individual liberty from the ever-intrusive state. This camp includes many business-minded Republicans, the Milton Friedmans and David Frums of the world, libertarians of the Cato Institute ilk, and such new-style classical liberals as Robert Nozick and Richard Epstein. On the other side, we find social conservatives, who want the state to uphold the moral order—to outlaw abortion, to put "fault" back into divorce, to mandate prayer in the public schools, and to discriminate against homosexuals. This camp includes the Christian Coalition and other religious activists, figures like Richard John Neuhaus and Charles Colson, and secular champions of virtue like William Bennett. As the recent presidential election illustrated, conservatives are still struggling to find a public philosophy that effectively combines these anti- and pro-state positions.

Scruton mirrors this division. In keeping with the laissez-faire tradition, he argues that individuals should make their own "free choices," from which their social identity, contacts, and associations will arise. At the same time, he rails against communitarians who, he falsely claims, want to allow individuals as much latitude as possible to fashion "life-styles" of their own choosing. For Scruton, a real community forcefully upholds virtue; it "stands in judgment over the acts and opinions of individuals and seeks to impose a common morality."

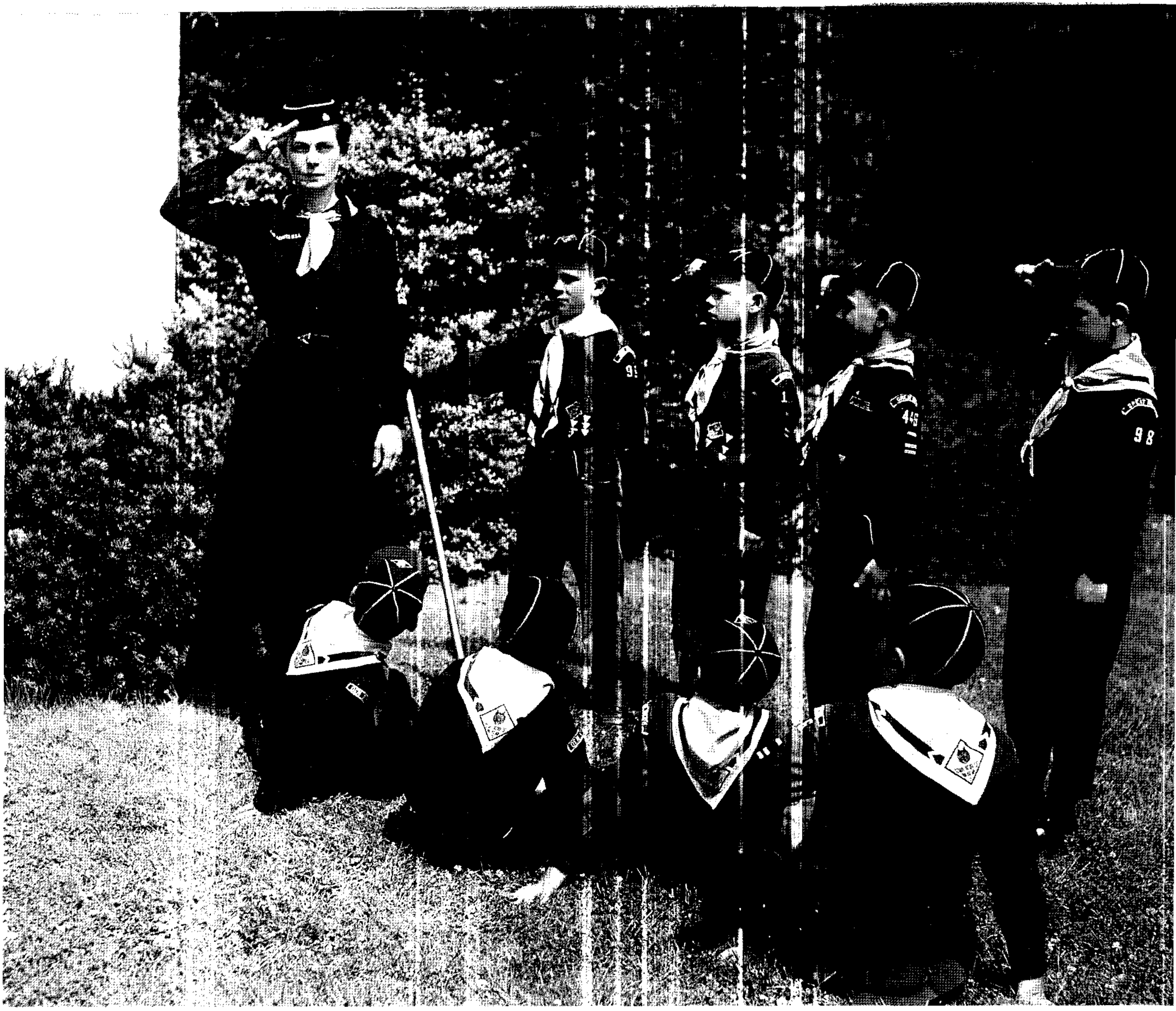
The problem is that unencumbered choice acts as a ferocious solvent on orderly societies. One cannot favor "free choices" in some absolute sense and also hope to promote shared virtues. As George Will often stresses, social conservatives must stand against libertarianism and for a *strong* government, one capable of providing moral instruction. Laissez-faire conservatives respond to these concerns by declaring that they do not actually favor wholesale autonomy but only the right of individuals to act freely as long as their actions do not violate the liberties of others (an all-important qualification that they often omit when proclaiming "the right to be left alone"). But how can a society ensure that individuals will restrain themselves when their actions inevitably impinge on others? To assume that people will choose not to violate the rights of others out of self-interest is exceedingly naive, as daily reports of antisocial behavior, from violence to drunk driving, remind us. And if we rely on government to step in each time self-interest does not suffice to sustain social order, we should not be surprised to find ourselves under the tutelage of an overbearing state.

Communitarians sometimes sound like conservatives of both camps because they want to shore up the social and psychological foundations of virtue but also to keep the state in its place. Solving this dilemma calls for a new approach, and this is where communitarians stand apart: they reconcile the social conservative's quest for shared virtues and the laissez-faire conservative's devotion to limited government by relying on the community—not the state or the individual—as the first and foremost protector of the social order.

What does it mean to rely mainly on the community for social order? Communities have identities, histories, cultures, and traditions. They build on the fact that their members, as social creatures, have a deep-seated need for other members of the community to appreciate them. Thus, if a community honors those parents who are dedicated to their children and censures those who are not, few children will wander the streets at night, drive like maniacs, or abuse liquor. Compare social conduct in strong communities like Mormon Utah, the Hasidic neighborhoods of New York City, and Israeli kibbutzim to behavior in our prisons, where the state oversees individuals in the most direct way. When communal bonds are tight and belief (religious or secular) is fervent, we find that abortion, drug and alcohol abuse, and violence are rare, and that voluntarism and social responsibility flourish; the state plays a small role in sustaining the social order. By contrast, prison is quite literally a police state: inmates live under lock and key, confined by high walls and watched over by gun-toting guards. Yet we are still helpless to end drug dealing, violence, and rape in prison, and social benevolence there is practically unknown. Clearly, communities create social order far more effectively, displaying a respect for human dignity that heavy-handed government control always lacks.

Communitarians do not wish to dispense altogether with the state. Just as libertarians see some role for the state as a guarantor of public safety, contracts, and a short list of other social goods, so communitarians recognize that there are some sociopaths in the world who are deaf to the moral voice of community. When education, persuasion, and social censure fail, we do need to arrest violent thugs and take drunk drivers off the road. But the law should not be the prime source of social order. It should complement the good work of the community rather than seek to preempt it.

Ignoring these stipulations, Scruton declares that communitarians are statists because they are willing to allow some role for the state. Thus he charges me with calling for the "massive use of the state's coercive power against employers and taxpayers" because I would like to see American society follow the lead of Western Europe in providing public support to the parents of newborn children. In focusing on my support for this one policy (similar in intent and in its reliance on the state to the Republican Party's call for a $500 tax credit for each child), Scruton fails to acknowledge my broader and more essential aim: to spark a far-reaching discussion about the moral worth and social importance of family and child rearing, in



Members of a Cub Scout pack with their den mother.

the hope that these institutions might again become personal and communal priorities. What would signal the success of this discussion? Ambitious new federal policies or spending? Not at all. What we most need is more voluntary and community action: places of worship and professional counselors should provide better premarital guidance, schools should teach communication and conflict resolution skills, couples should commit themselves to wedding vows that go beyond the mere requirements of the law, and so on. These are the sorts of changes most likely to resuscitate our flagging social institutions; and if I also support certain changes in government policy, like eliminating the marriage penalty in tax law and collecting delinquent payments from deadbeat dads, it is because they bolster the work that communities and individuals must do to restore families.

Scruton portrays communitarians as great defenders of the entitlement-driven national welfare state—and hence foes of authentic local communities. But these are not the communitarians I know. The communitarian platform that I cited earlier endorses the idea of subsidiarity, which calls for the dispersal of authority. Subsidiarity demands, in the first instance, that individuals, including the most disadvantaged, take responsibility for themselves; failing this, it obliges family members and communities to step in. If these fail—and only then—the state should have a role, but mainly to enable and support these primary institutions—a notion that informs GOP Senator Dan Coats's proposal to encourage private charities to take over programs now carried out by the government. As everyone but Scruton seems to know by now, communitarians invariably favor such face-to-face social solutions over statist bureaucracy.

Communities achieve their ends informally rather than through coercion. They depend on the influence of opinion and mores, on their members' readiness to celebrate certain actions and criticize others. Communities' expectations exert a powerful influence, for example, on whether fathers and mothers devote themselves single-mindedly to their careers or make time to be with their children, on whether adult children dump their elderly parents in nursing homes or bring them into their own homes. Communities are not all-powerful, of course. They leave many matters to the discretion of their members, who in turn may work to change community standards or go elsewhere if their efforts fail. Still, it is essential to recognize the engine at work here: not fear of the state but the profound desire to command the respect of friends, neighbors, and colleagues.

> **“One must concede that communities come in all colors and shapes, many of them quite abhorrent.”**

Every institution of civil society is not equally capable of establishing such a moral order, as Scruton and others sometimes suggest. A town may have chess clubs and bowling teams, Elks and Lions, the best chapter of the Red Cross in the state, and even a hyperactive branch of the League of Women Voters, and still show little virtue. Such groups serve many useful purposes but seldom inculcate positive moral values. This task belongs instead to a fairly narrow range of institutions: intact families, schools that dare to engage in character education, places of worship, neighborhoods that generate strong bonds, and those voluntary associations—like the Knights of Columbus, the American Legion, the American Jewish Committee, and the “graduates” of the Peace Corps—that draw their energy from a cultural legacy or profound shared experience.

Communitarians are deeply committed to promoting virtue, but they differ starkly from those who call for more forceful government to deal with violators of community norms. Communitarians want to *persuade* errant members to change their ways: a community leader will drop in; a neighbor will suggest a walk in the woods; or perhaps conversation at the country store, pub, or water cooler will turn against those who flout community standards. Communities create a working consensus through talk, whether the matter at issue is participation in the local blood drive or the vulgarity of pornography. This kind of suasion is fundamentally different from action by the state, because the ultimate decision is left to the individual. As a result, when people do change their behavior, they often do so from conviction. By contrast, when the state compels people to comply with its laws, it does little to persuade them. It does not proclaim the danger of parking cars in front of fire hydrants; it just tows offending cars away. It does not rely on education to curb the use of marijuana; it jails growers, sellers, and users alike. Such enforcement often produces little more than expedient accommodation, a change unlikely to survive new circumstances or a lapse in the state's vigilance.

By relying so heavily on persuasion, communitarians open themselves to the charge of being closet libertarians. After all, they give great latitude to individual choice in many circumstances and join hands with libertarians in wanting to keep the state at bay. But important differences remain. No communitarian can subscribe to the wrong-headed principle gaining adherents today among fundamentalist libertarians: that *any* attempt to change a person's preferences, even through persuasion, is coercion. On this view, the right to be left alone protects you not merely from the government but also from the opinion of your fellow human beings. They have concocted yet another right—the right not to be persuaded.

This unthinking conflation of state coercion and community persuasion has a distinguished pedigree. John Stuart Mill, in reflecting on the scope of his libertarian claims in *On Liberty*, wrote that the "object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force *or the moral coercion of public opinion*" (emphasis added). More recently, libertarians have taken up this confused philosophical standard in decrying "censorship"—a term that applies to the state—when the William Bennetts of the world, in good communitarian fashion, try to mobilize public opinion to persuade Time Warner and other companies to stop producing music whose lyrics debase minors and undermine public morals.

In his own rhapsodizing about communities—*authentic* communities, he assures us—Scruton falls into a trap that entangles many less thoughtful communitarians: the notion that communities should be the final arbiters of the values they endorse. Scruton opposes laws that violate local traditions and favors "permitting communities to decide for themselves whether abortion and easy divorce are permissible." One must concede, however, that communities come in all colors and shapes, many of them quite abhorrent. Some communities endorse the Ku Klux Klan; others lend their support to violent militias or criminal gangs; still others welcome Nazis. Only an abject relativist would refuse to submit the values of particular communities to independent moral scrutiny.

For the United States, a good place to start is by asking whether a community shares the basic values enshrined in the Constitution. If it does not—if it deprives people of their rights to freedom of speech, freedom of assembly, voting, and so on—we cannot entrust it to uphold moral order. True, what values or rights the Constitution secures is itself subject to debate and reinterpretation, but the Constitution remains a meaningful repository of the principles that we share as a nation. As for other societies, they either have constitutions of their own (many of them based on the American model) or fundamental laws that serve a similar purpose by proclaiming certain fundamental values.

What the Constitution requires in relations between the government and America's multitudinous communities is too complex a subject to pursue here. What's more, for my purposes, it is largely beside the point: for even when the Constitution prevents the state from interfering with certain matters of conduct, it does not impose the same strictures on individuals or communities, so long as they refrain from using force. Thus, to take the example of free speech, while the Constitution enjoins the state from banning most speech, it in no way stops a community from considering certain speech offensive and frowning on members who use it. The right to free speech does not entail a right to communal applause or bouquets.

The basic communitarian principle is clear: when the values that communities nourish are sound, persuading people of their merit is by far the best way to form and sustain the social order that liberty requires. If communities fail to perform this task, government rushes in to fill the void. Sadly, over the past several decades we have seen such a failure of social mores in many of our inner cities and commuter suburbs, where antisocial behavior has only recently ceased its ruinous ascent. Since the early nineties, a modicum of social reconstruction has begun, as declining rates of crime, stabilization of the family, and even a slight drop in teen pregnancy suggest. All these social trends reflect some increase in concern about virtue, personal and social responsibility, and community bonds. Indeed, they reflect the rise of the communitarian movement.

Urbanities

How Dagger John Saved New York's Irish

William J. Stern

We are not the first generation of New Yorkers puzzled by what to do about the underclass. A hundred years ago and more, Manhattan's tens of thousands of Irish seemed a lost community, mired in poverty and ignorance, destroying themselves through drink, idleness, violence, criminality, and illegitimacy. What made the Irish such miscreants? Their neighbors weren't sure: perhaps because they were an inferior race, many suggested; you could see it in the shape of their heads, writers and cartoonists often emphasized. In any event, they were surely incorrigible.

But within a generation, New York's Irish flooded into the American mainstream. The sons of criminals were now the policemen; the daughters of illiterates had become the city's schoolteachers; those who'd been the outcasts of society now ran its political machinery. No job training program or welfare system brought about so sweeping a change. What accomplished it, instead, was a moral transformation, a revolution in values. And just as John Wesley, the founder of Methodism in the late eighteenth century, had sparked a change in the culture of the English working class that made it unusually industrious and virtuous, so too a clergyman was the catalyst for the cultural change that liberated New York's Irish from their underclass behavior. He was John Joseph Hughes, an Irish immigrant gardener who became the first Catholic archbishop of New York. How he accomplished his task can teach us volumes about the solution to our own end-of-the-millennium social problems.

John Hughes's personal history embodied all the virtues he tried so successfully to inculcate in his flock. They were very much the energetic rather than the contemplative virtues: as a newspaper reporter of the time remarked of him, he was "more a Roman gladiator than a devout follower of the meek founder of Christianity." He was born on June 24, 1797, in Annaloghan, County Tyrone, the son of a poor farmer. As a Catholic in English-ruled Ireland, he was, he said, truly a second-class citizen from the day he was baptized, barred from ever owning a house worth more than five pounds or holding a commission in the army or navy. Catholics could neither run schools nor give their children a Catholic education. Priests had to be licensed by the government, which allowed only a few in the country. Any Catholic son could seize his father's property by becoming a Protestant.

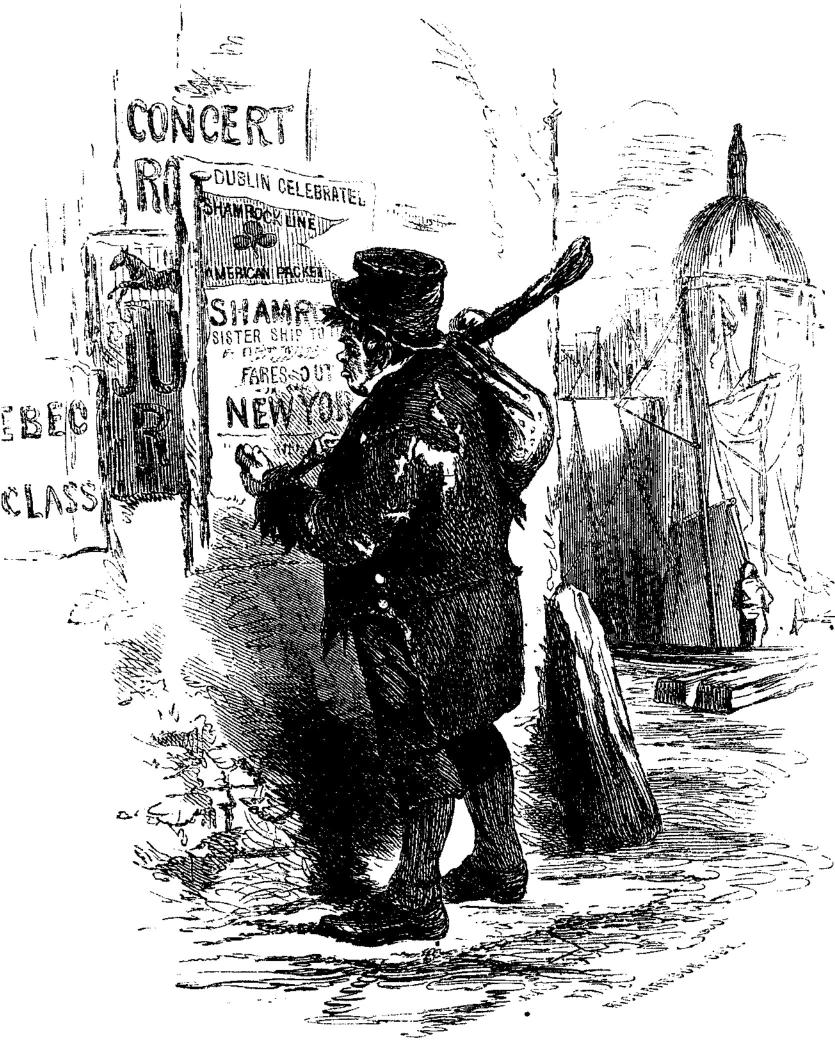
When Hughes was 15, an event he was never to forget crystallized for him the injustice of English domination. His younger sister, Mary, died. English law barred the local Catholic priest from entering the cemetery gates to preside at her burial; the best he could do was to scoop up a handful of dirt, bless it, and hand it to Hughes to sprinkle on the grave. From early on, Hughes said, he had dreamed of "a country in which no stigma of inferiority would be impressed on my brow, simply because I professed one creed or another."

Fleeing poverty and persecution, Hughes's father brought the family to America in 1817. The 20-year-old Hughes went to work as a gardener and stonemason at Mount St. Mary's college and seminary in Emmitsburg, Maryland. Working there rekindled in him a childhood dream of becoming a priest, and he asked the head of the seminary, John Dubois, if he could enroll as a student. Dubois, a French priest who had fled Paris during the French Revolution armed with a letter of recommendation from Lafayette, turned him down, unable to see past his lack of education to the qualities of mind and character that lay within. This was no ordinary gardener, Dubois should have recognized; indeed, as he went back to his gardening chores, Hughes wrote a bitter poem on the shamefulness of slavery and its betrayal of America's promise of freedom. Not one to forget a slight, Hughes

Archbishop John Hughes.

harshly froze Dubois out of his life when he became prominent and powerful. Indeed, in later years, Hughes won the nickname of "Dagger John," a reference not only to the shape of the cross that accompanied his printed signature but also to his being a man not to be trifled with or double-crossed.

With the good luck that marked his career, Hughes met Mother Elizabeth Bayley Seton, who visited Mount St. Mary's from time to time, and impressed her deeply with all those talents that Dubois had failed to see. A Protestant convert to Rome who had become a nun after her New York blueblood husband died, Mother Seton was a powerful influence on American Catholicism and was canonized as America's first and only native-born saint after her death. When she wrote to Dubois, recommending the uneducated immigrant laborer for admission to the seminary, her prestige carried the day. Admitted in September 1820, Hughes graduated and was ordained a priest in 1826. His first assignment: the diocese of Philadelphia.

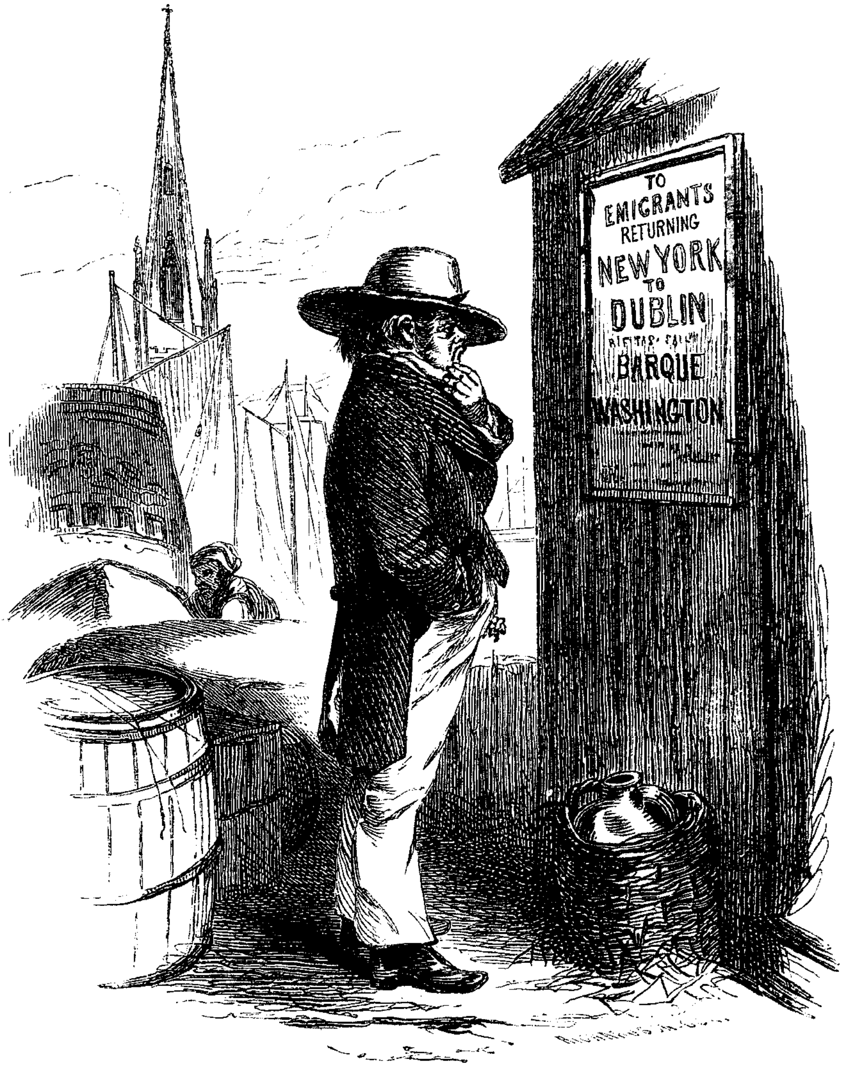


CULVER PICTURES

COMING TO AMERICA.

Recognized as a born leader from his early seminary days, he first came to prominence in Philadelphia as an eloquent and courageous crusader against bigotry. Between 1820 and 1830, immigration had swelled the U.S. Catholic population 60 percent to 600,000, with no end in sight. The new immigrants were mostly Irish—impoverished, ignorant, unskilled country folk, with nothing in their experience to prepare them for success in the urban environs to which they were flocking. Hughes believed that the relentless barrage of anti-Catholic prejudice that greeted them in their new land was demoralizing the already disadvantaged immigrants and holding back their progress.

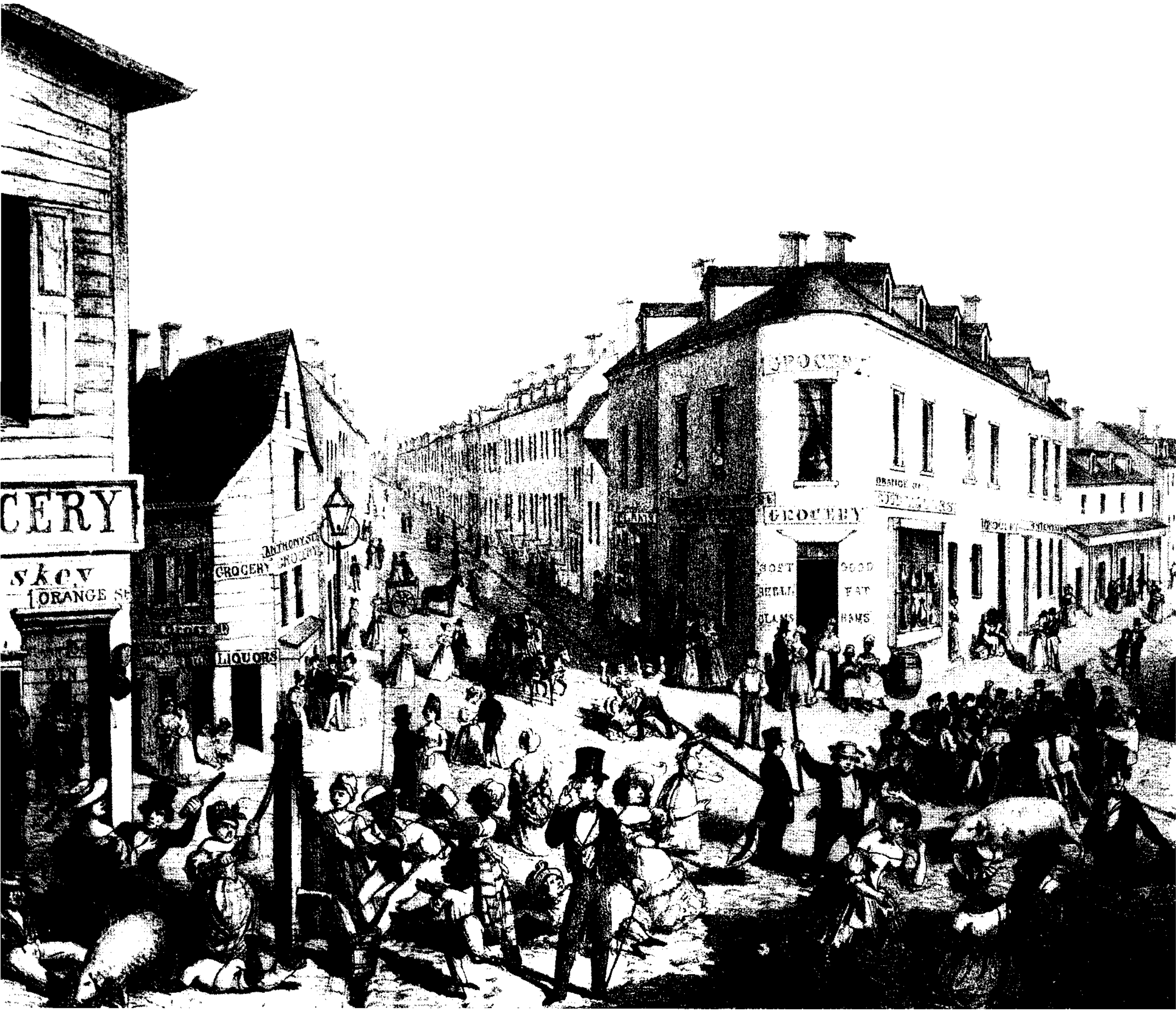
The "nativists," as the highly organized anti-Catholics were called, included Protestant fundamentalists who saw the



RETURNING FOR A VISIT.

Catholic Church as the handiwork of Satan and superstition, intellectuals who considered Catholicism incompatible with democracy, ethnocentric cultural purists who believed the United States should be a land for Anglo-Saxons, and pragmatic citizens who thought it not worth the trouble to integrate so many culturally different immigrants. The nativists counted among their number many of America's elite, including John Jay, John Quincy Adams, John Calhoun, Stephen Douglas, and P. T. Barnum, all of whom spoke publicly against the Catholic Church and the threat to liberty that allowing Catholics into the country would create. In Boston a mob led by Congregationalist minister Lyman Beecher, the father of Harriet Beecher Stowe, burned a convent to the ground; church burnings were common. Samuel Morse tapped out rumors of Catholic conspiracies against liberty on his Atlantic cable long before such trash circulated on the Internet. Books depicting concupiscence in convents and sex in seminaries were everywhere.

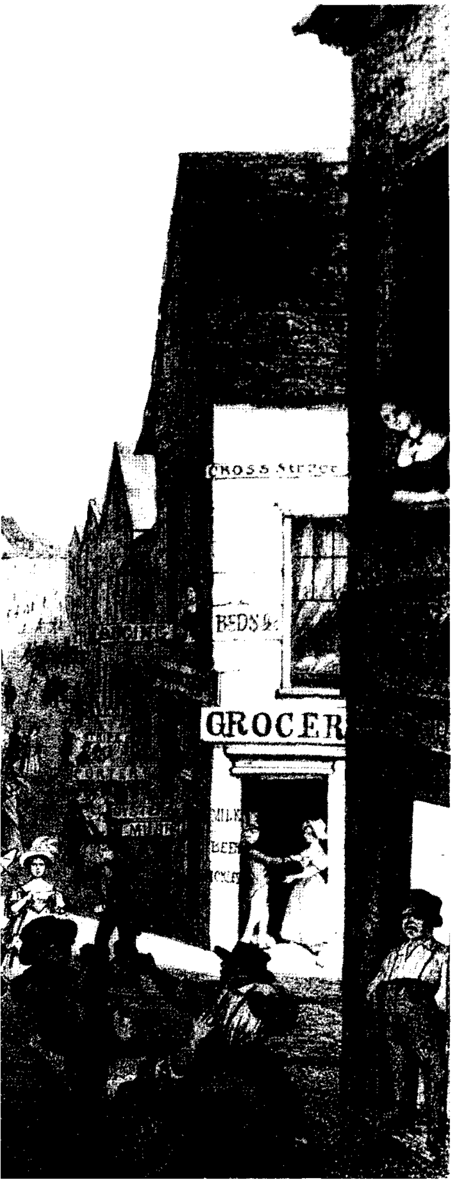
Hughes was outraged. He didn't want Catholics to be second-class citizens in America as they had been in Ireland, and he thought he had a duty not to repeat the mistakes of the clergy in Ireland, who in his view had been remiss in not speaking out more forcefully against English oppression. Resistance was imperative. He began a letter-writing campaign to the newspapers, decrying what he saw as a tendency toward chauvinistic nationalism in his new country. In 1829, for instance, outraged by an editorial in a Protestant religious newspaper about "traitorous popery," he fired off a missive to its editorial board of Protestant ministers, calling them "the clerical scum of the Country." During the 1834 cholera epidemic in Philadelphia, which nativists blamed on Irish immigrants, Hughes worked tirelessly among the sick and dying, while many Protestant minis-



Charles Dickens pronounced Five Points, with its 17 brothels, "loathsome, drooping, and decayed."

ters fled the city to escape infection. After the disease subsided, Hughes wrote the *U.S. Gazette* that Protestant ministers were "remarkable for their pastoral solicitude, so long as the flock is healthy, the pastures pleasant, and the fleece lubricant, abandoning their post when disease begins to spread dissolution in the fold." He pointed to the work of the Catholic Sisters of Charity, who had cared for cholera victims without regard for their own safety, and wondered where all the people who spoke about perversion in the convents had gone during the epidemic.

The next year he became a national celebrity when a prominent and well-born Protestant clergyman from New York named John Breckenridge challenged him to a debate. The American aristocrat and the articulate, combative priest, who had developed a large following among Philadelphia's Irish immigrants, did not disappoint their fans. Breckenridge luridly conjured up the Catholic Church's Inquisition in Spain, tyranny in Italy, and repression of liberty in France. Americans,

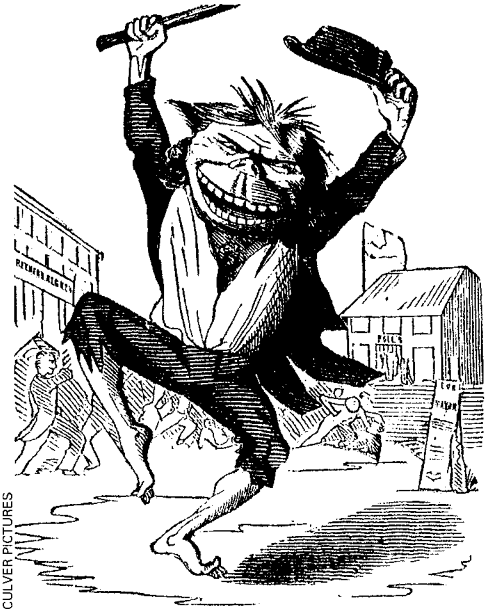


CORBIS-BETTMANN

he said, wanted no popery, no loss of individual liberty. Hughes countered by describing Protestant tyranny over Catholic Ireland. He related what had happened at his sister's grave. "I am an American by choice, not by chance," he said. "I was born under the scourge of Protestant persecution, of which my fathers in common with our Catholic countrymen have been the victim for ages. I know the value of that civil and religious liberty, which our happy government secures for all." Regardless of what had happened in Europe, he said, he was committed to American *tolerance*.

Hughes's performance against a man of Breckenridge's stature made him a hero with America's Irish. Not long thereafter, when John Dubois, Hughes's former teacher and now bishop of New York, grew sick and frail, Rome appointed Hughes, just over 40 years of age, coadjutor-bishop of the New York diocese, which then included all of New York State and part of New Jersey. He was consecrated a bishop in the old St. Patrick's Cathedral—still standing on Mott Street—on January 7, 1838. James Gordon Bennett, the famous Scottish-born editor and publisher of the *New York Herald*, was one of the rare souls among New York's 60,000 Catholics (out of a total population of 300,000) who weren't Irish. He harrumphed that Catholic rituals were pure poetry, especially episcopal consecrations, but to hold such a ceremony before the "general run of New York Irish was like putting gold rings through a pig's nose."

After the consecration, John Hughes was ready to lead. Unsystematic, disorganized, impulsively charitable, unable to keep his checkbook balanced, vain enough to wear a toupee over his baldness and combative enough to have to apologize to a valued colleague for "a certain pungency of style" in argument, Hughes was also, in the words of future president James Buchanan, "one of the ablest and most accomplished and energetic men I had ever known." Hughes's first New York crusade was to get his flock educated, so that they could benefit from the new nation's almost limitless opportunity. He passionately believed that the future of the Irish in America depended upon education: indeed, he knew it firsthand from his own experience.



CULVER PICTURES

A typical caricature of an Irishman.

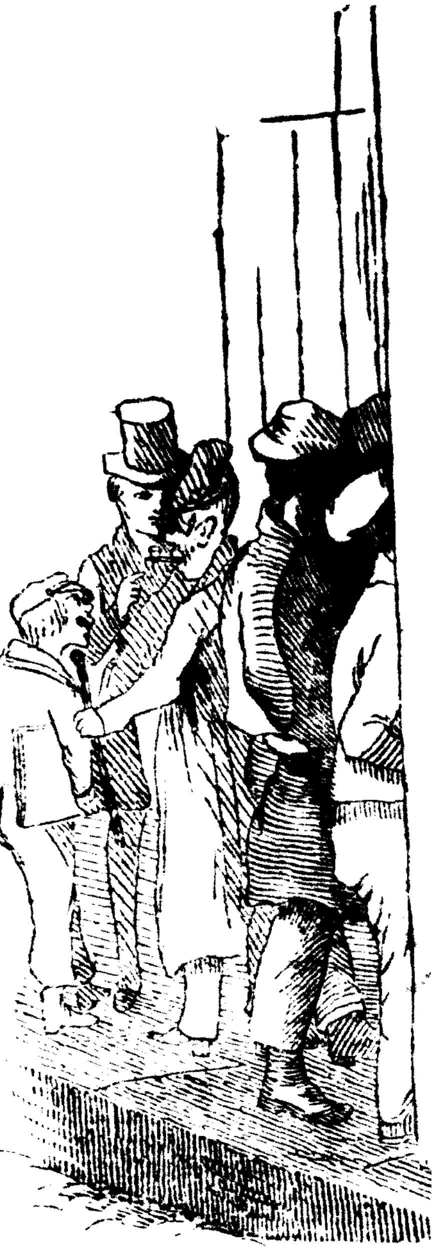
Sce

He immediately stirred up a war over the city's schools, then run by the Public School Society. Though the society received state funding, it was essentially a private Protestant organization that taught Protestantism and used the Protestant Bible. Worse, from Hughes's point of view, it had pupils read such books as *The Irish Heart*, which taught that "the emigration from Ireland to America of annually increasing numbers, extremely needy, and in many cases drunken and depraved, has become a subject for all our grave and fearful reflection." Hughes (with the support of New York's 12,000 Jews) wanted an end to such sectarian education, and he wanted, above all, state aid for Catholic schools, just as the state had funded denominational schools before 1826 (with no one dreaming of calling such aid unconstitutional). The outcome of the struggle pleased no one: the Maclay Bill of 1842 barred all religious instruction from public schools and provided no state money to denominational schools. On the night the bill was passed, a nativist mob ransacked Hughes's residence, and the authorities had to call out the militia to protect the city's Catholic churches.

Having at least partly reformed the public schools to help those Catholic children who attended them, Hughes threw his energies into building a Catholic school system that would educate Catholic children the way he thought they should be educated. No need was more urgent, in his view. He did not believe that a society hostile to the Irish and certain they were incapable of accomplishment would produce schoolteachers and administrators interested in and good at teaching Irish children. "We shall have to build the schoolhouse first and the church afterward," he said. "In our age the question of education is the question of the church."

Hughes's schools emphasized not just the three Rs but also a faith-based code of personal conduct that demanded respect for teachers and fellow students. Parents had to attend meetings with teachers and do repair work and cleaning in the schools. These schools then, as now, produced children capable of functioning in the mainstream of American life. By the end of his tenure, the original boundaries of Hughes's diocese contained over 100 such schools. Not content to build just primary and secondary schools, he founded or helped to found Fordham University and Manhattan, Manhattanville, and Mount St. Vincent colleges.

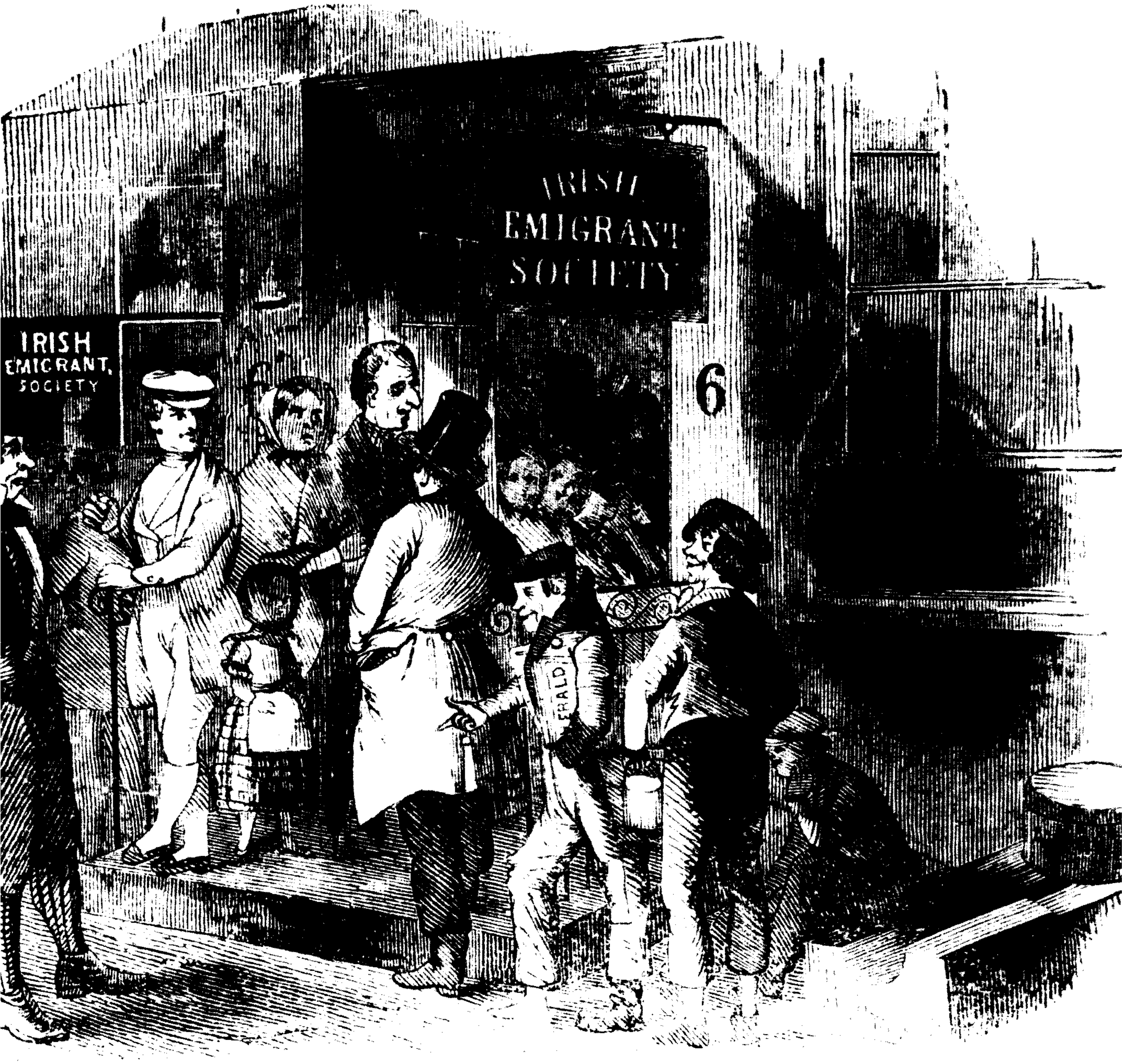
In 1845 Hughes began to face his greatest challenge. That year the potato crop failed completely in Ireland, and the Great Famine struck, lasting until 1849. The worst famine in the history of Western Europe, it brought complete social collapse to Ireland and caused some 2 million Irish to flee to the United States between 1845 and 1860, not primarily for religious freedom and economic



CORBIS-BETTMANN

The Emigrant Society helped Irish immigrants find jobs and expected them to work conscientiously in return.

at the Irish Emigrant Office in Ann street.



opportunity but to reach a place where they might eat. Most arrived at the port of New York after crossing the Atlantic on what they called "the coffin ships." As Thomas Sowell so vividly describes this journey in *Ethnic America*, the Irish packed into the holds of cargo ships, with no toilet facilities; filth and disease were rampant. They slept on narrow, closely stacked shelves. Women were so vulnerable to molestation that they slept sitting up. In 1847 about

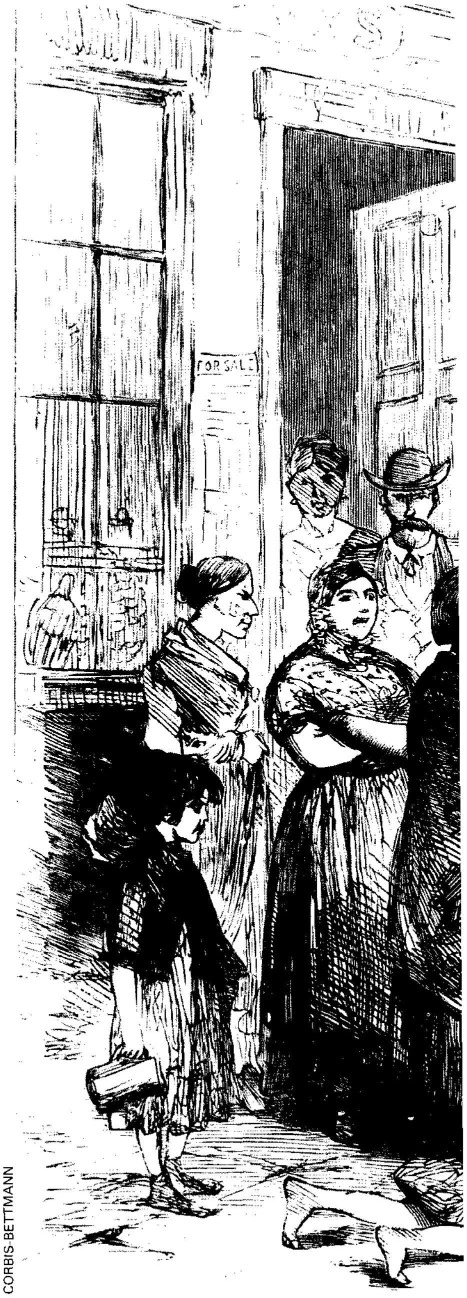
40,000 died making the voyage, a mortality rate much higher than that of slaves transported from Africa in British vessels of the same period.

In New York they took up residence in homes intended for single families, which were subdivided into tiny apartments. Cellars became dwellings, as did attics three feet high, without sunlight or ventilation, where whole families slept in one bed. Shanties sprang up in alleys. Without running water, cleanliness was impossible; sewage piled up in backyard privies, and rats abounded. Cholera broke out constantly in Irish wards. Observers have noted that no Americans before or since have lived in worse conditions than the New York Irish of the mid-nineteenth century.

Hughes harbored no illusions about the newcomers. "Most move on across the country—those who have some means, those who have industrious habits," he observed; "on the other hand, the destitute, the disabled, the broken down, the very young, and the very old, having reached New York, stay. Those who stay are predominantly the scattered debris of the Irish nation." Lost in a land where many didn't want them, violent, without skills, the Irish were in need of rescue. This was Hughes's flock, and he was prepared to be their rescuer.

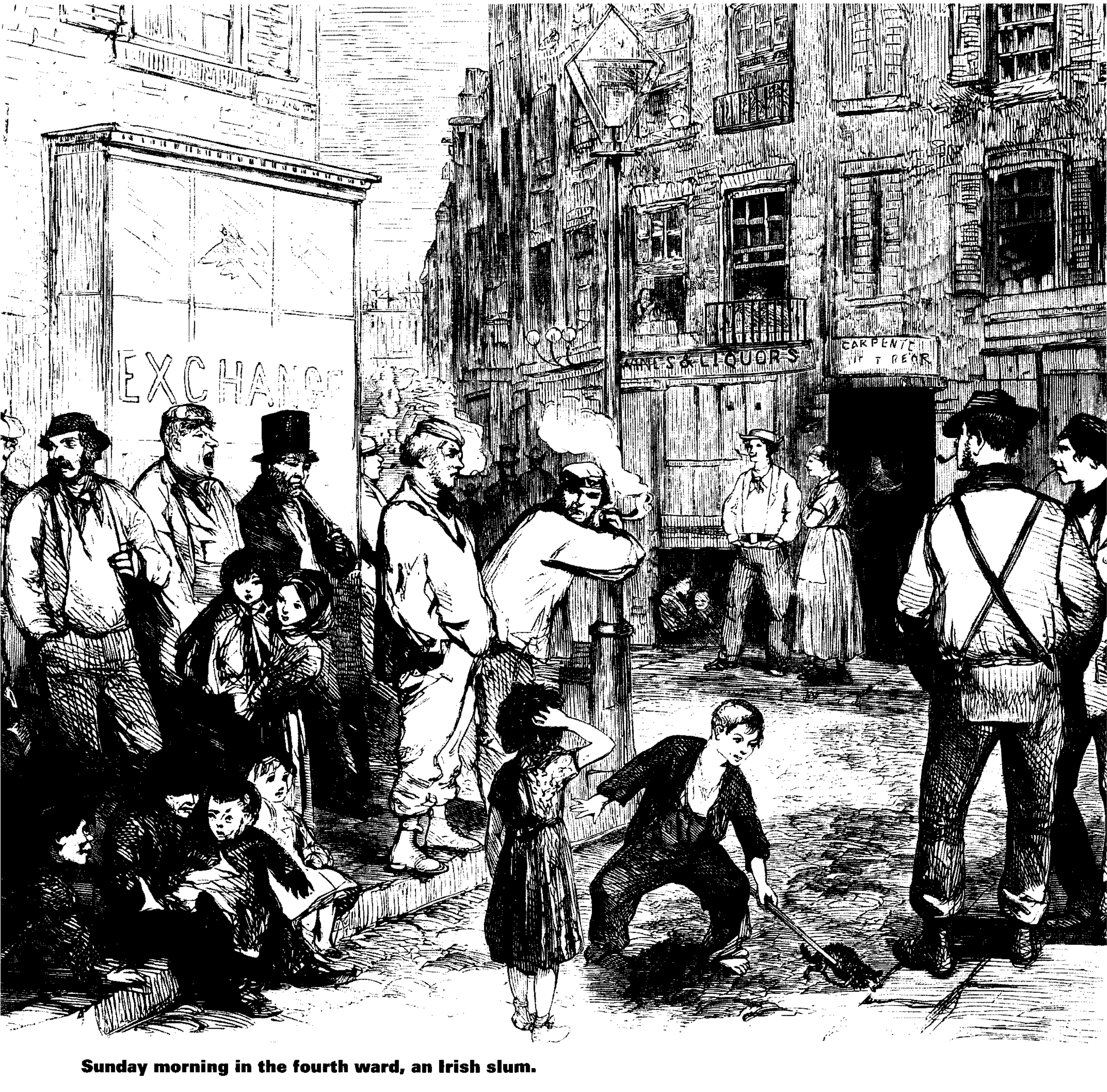
New York's Irish truly formed an underclass; every variety of social pathology flourished luxuriantly among them. Family life had disintegrated. Thomas D'Arcy McGee, an exiled Irish political radical, wrote in *The Nation* in 1850: "In Ireland every son was a boy and a daughter a girl till he or she was married. They were considered subjects to their parents till they became parents themselves. In America boys are men at sixteen. . . . If [the] family tie is snapped, our children become our opponents and sometimes our worst enemies." McGee saw that the lack of stable family relationships was fatally undermining the Irish community.

The immigrants crowded into neighborhoods like Sweeney's Shambles in the city's fourth ward and Five Points in the sixth ward (called the "bloody sixth" for its violence), which Charles Dickens toured in the forties and pronounced "loathsome, drooping, and decayed." In *The New York Irish*, Ronald Bayor and Timothy Meagher report that besides rampant alcoholism, addiction to opium and laudanum was epidemic in these neighborhoods in the 1840s and 1850s. Many Irish immigrants communicated in their own profanity-filled street slang called "flash talk": a multi-day drinking spree was "going on a bender," "cracking a can" was robbing a house. Literate English practically disappeared from ordinary conversation.



CORBIS-BETTMANN

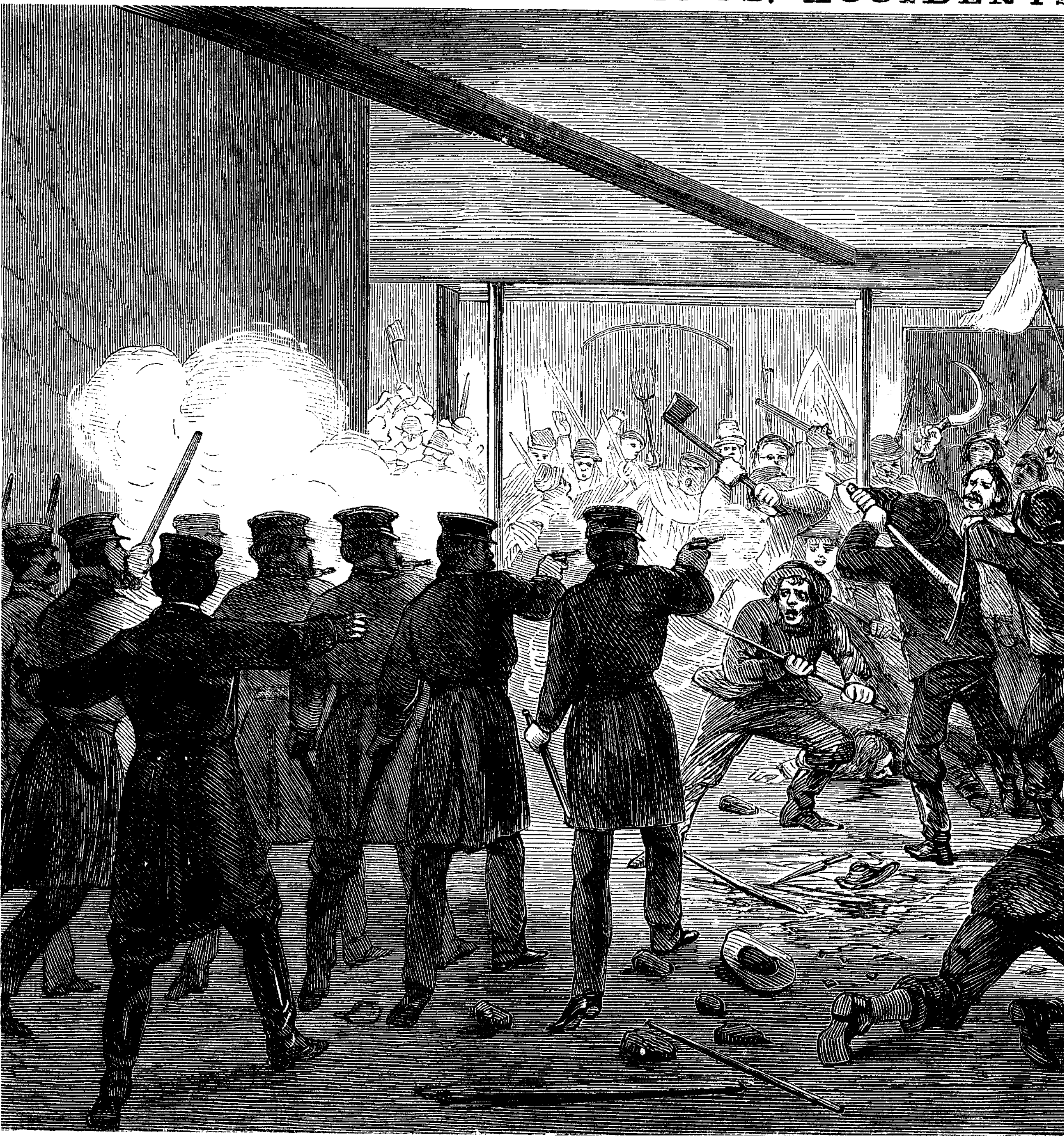
An estimated 50,000 Irish prostitutes, known in flash talk as "nymphs of the pave," worked the city in 1850, and Five Points alone had as many as 17 brothels. Illegitimacy reached stratospheric heights—and tens of thousands of abandoned Irish kids roamed, or prowled, the city's streets. Violent Irish gangs, with names like the

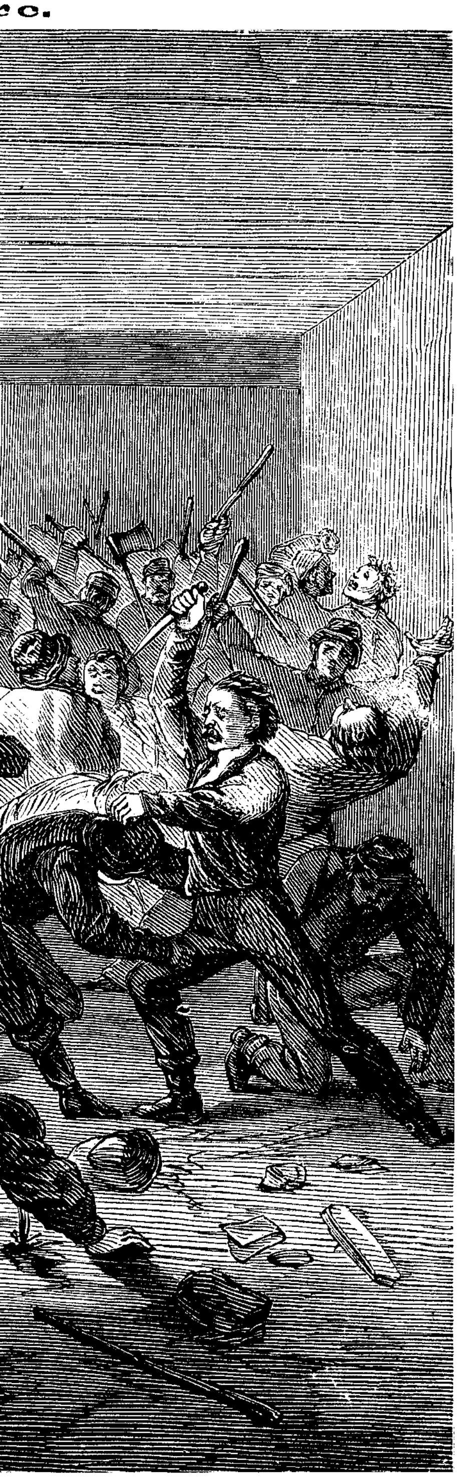


Sunday morning in the fourth ward, an Irish slum.

Forty Thieves, the B'boys, the Roach Guards, and the Chichesters, brought havoc to their neighborhoods. The gangs fought one another and the nativists—but primarily they robbed houses and small businesses, and trafficked in stolen property. Over half the people arrested in New York in the 1840s and 1850s were Irish, so that police vans were dubbed "paddy wagons" and episodes of mob violence in the streets were called "donnybrooks," after a town in Ireland.

Death was everywhere. In 1854 one out of every 17 people in the sixth ward died. In Sweeney's Shambles the rate was one out of five in a 22-month period. The death rate among Irish families in New York in the 1850s was 21 per-





The 1863 Draft Riots made Hughes feel that he had failed.

CULVER PICTURES

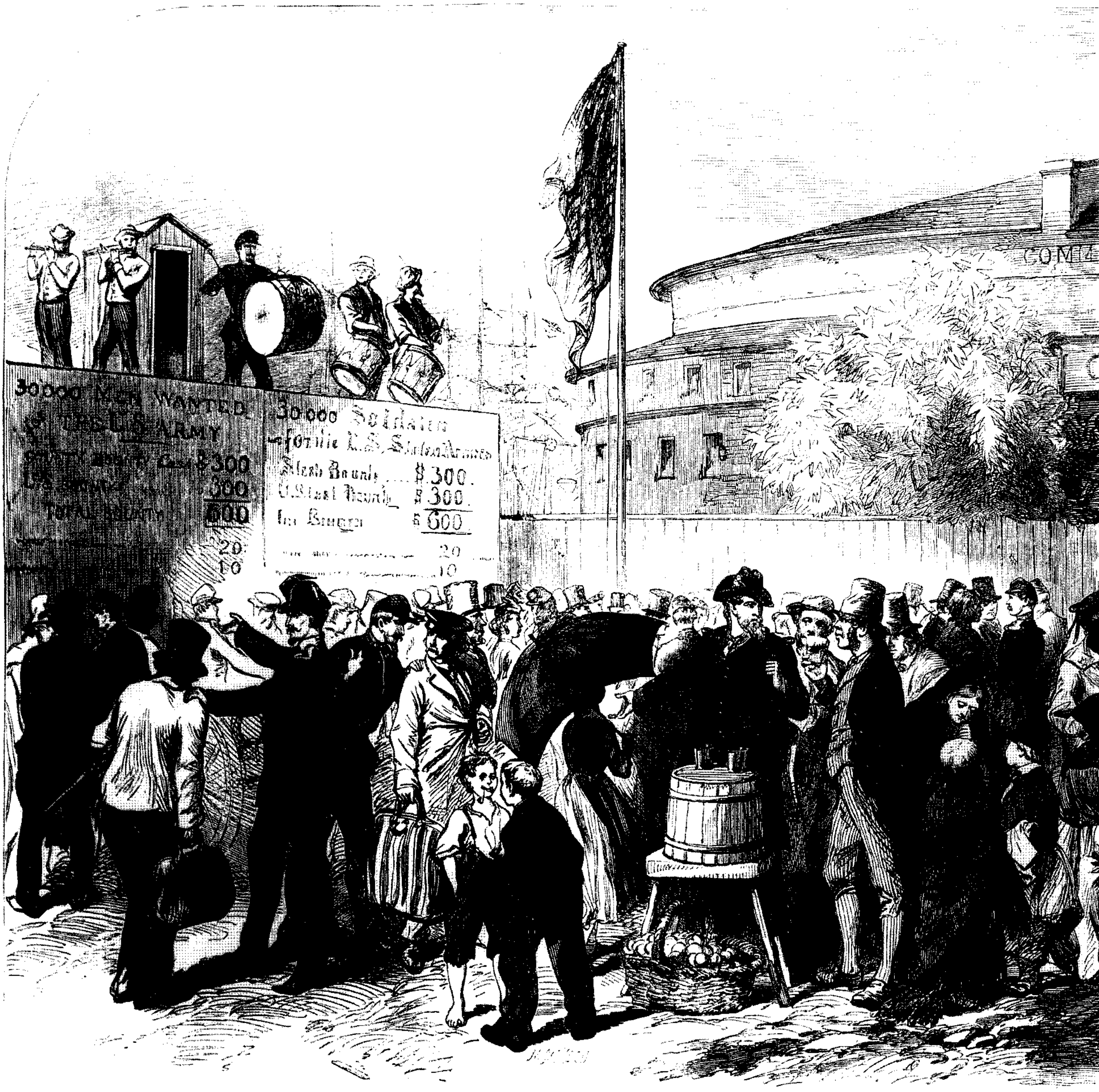
cent, while among non-Irish it was 3 percent. Life expectancy for New York's Irish averaged under 40 years. Tuberculosis, which Bishop Hughes called the "natural death of the Irish immigrants," was the leading cause of death, along with drink and violence.

Inflamed by this spectacle of social ruin, nativist sentiment grew and took a nastier, racist turn, no longer attacking primarily the superstition and priestcraft of the Catholic religion but rather the genetic inferiority of the Irish people. Gifted diarist and former mayor George Templeton Strong, for example, wrote that "the gorilla is superior to the Celtic in muscle and hardly their inferior in a moral sense." In the same vein, *Harper's* in 1851 described the "Celtic physiognomy" as "simian-like, with protruding teeth and short upturned noses." Celebrated cartoonist Thomas Nast constantly depicted the Irish as closely related to apes, while Orson and Lorenzo Fowler's *New Illustrated Self-Instructor in Phrenology* and James Redfield's *Outline of a New System of Physiognomy* gave such ideas the color of science.

By 1850 the New York City lunatic asylum on Blackwell's Island (now Roosevelt Island) was filled with Irish, most of them probably hallucinating alcoholics. Doctors of the day had a different view, speculating that insanity grew from degeneracy and violation of the moral law. Compounding the problem, according to Ralph Parsons, superintendent of the asylum, the Irish were people of exceptionally bad habits. They were, he said, of "a low order of intelligence, and very many of them have imperfectly developed brains. When such persons become insane, the prognosis is unfavorable."

Hughes's solution for his flock's social ills was to re-spiritualize them. He wanted to bring about an inner, moral transformation in them, which he believed would solve their social problems in the end. He put the ultimate blame for their condition squarely on the historical oppression they had suffered at the hands of the English, which he said had caused them "to pass away from the faith of their ancestors," robbing them of the cultural heritage that should have guided their behavior. But that was in the past: now it was time for them to regain what they had lost. So he bought abandoned Protestant church buildings in Irish wards, formed parish churches, and sent in parish priests on a mission of urban evangelization aimed at giving the immigrants a faith-based system of values.

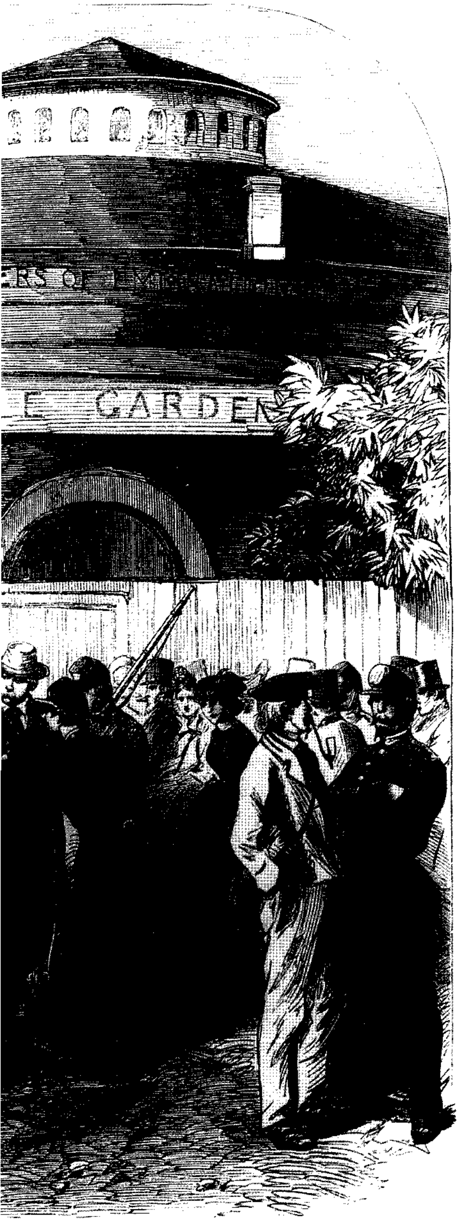
With unerring psychological insight, Hughes had his priests emphasize religious teachings perfectly attuned to re-socializing the Irish and helping them succeed in their new lives. It



Irish New Yorkers served in the Union Army, and died in battle, in disproportionately high numbers.

was a religion of personal responsibility that they taught, stressing the importance of confession, a sacrament not widely popular today—and unknown to many of the Irish who emigrated during the famine, most of whom had never received any religious education. The practice had powerful psychological consequences. You cannot send a friend to confess for you, nor can you bring an advocate into the confessional. Once inside the confessional, you cannot discuss what others have done to you but must clearly state what you yourself have done wrong. It is the ultimate taking of responsibility for one's actions; and it taught the Irish to focus on their own role in creating their misfortune.

Hughes once remarked that "the Catholic Church is a



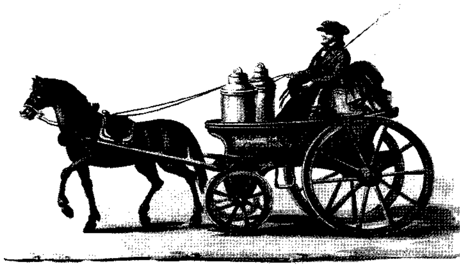
THE NEW YORK HISTORICAL SOCIETY

church of discipline," and Father Richard Shaw, Hughes's most recent biographer, believes that the comment gives a glimpse into the inner core of his beliefs. Self-control and high personal standards were the key—and Hughes's own disciplined labors to improve himself and all those around him, despite constant ill health, embodied this ethic monumentally. Hughes proclaimed the need to avoid sin. His clergy stated clearly that certain conduct was right and other conduct was wrong. People must not govern their lives according to momentary feelings or the desire for instant gratification: they had to live up to a code of behavior that had been developed over thousands of years. This teaching produced communities where ethical standards mattered and severe stigma attached to those who misbehaved.

The priests stressed the virtue of purity, loudly and unambiguously, to both young and old. Sex was sinful outside marriage, no exceptions. Packed together in apartments with sometimes two or three families in a single room, the Irish lived in conditions that did not encourage chastity or even basic modesty. Women working in the low-paid drudgery of domestic service were tempted to work instead in the saloons of Five Points, which often led to a life of promiscuity or prostitution. The Church's fierce exhortations against promiscuity, with its accompanying evils of out-of-wedlock births and venereal disease, took hold. In time, most Irish began to understand that personal responsibility was an important component of sexual conduct.

Since alcohol was such a major problem for his flock, Hughes—though no teetotaler himself—promoted the formation of a Catholic abstinence society. In 1849 he accompanied the famous Irish Capuchin priest, Father Theobald Mathew, the "apostle of temperance," all around the city as he gave the abstinence pledge to 20,000 New Yorkers.

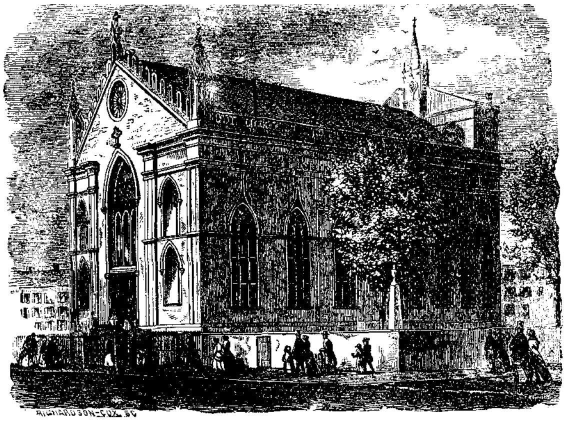
A religion of discipline, stressing conduct and the avoidance of sin, can be a pinched and gloomy affair, but Hughes's teaching had a very different inflection. His priests mitigated the harshness with the encouraging Doctrine of the Sacred Heart, which declares that if you keep the commandments, God will be your protector, healer, advisor, and perfect personal friend. To a people despised by many, living in desperate circumstances, with narrow economic possibilities, such a teaching was a bulwark against anger, despair, and fear. Hughes's Catholicism was upbeat and encouraging: if God Almighty was your personal friend, you could overcome.



An Irish milkman in 1830.

THE MUSEUM OF THE CITY OF NEW YORK

Hughes's teaching had a special message for and about women. Women outnumbered men by 20 percent in New York's Irish population partly because of famine-induced emigration patterns and partly because many Irish immigrant men went west from New York to work on building railways and canals. Irish women could find work in New York more easily than men could, and the work they found, usually as domestics, was steadier. Given the demographic facts, along with the high illegitimacy rate and the degree of family disintegration, Hughes clearly saw the need to teach men respect for women, and women self-respect.

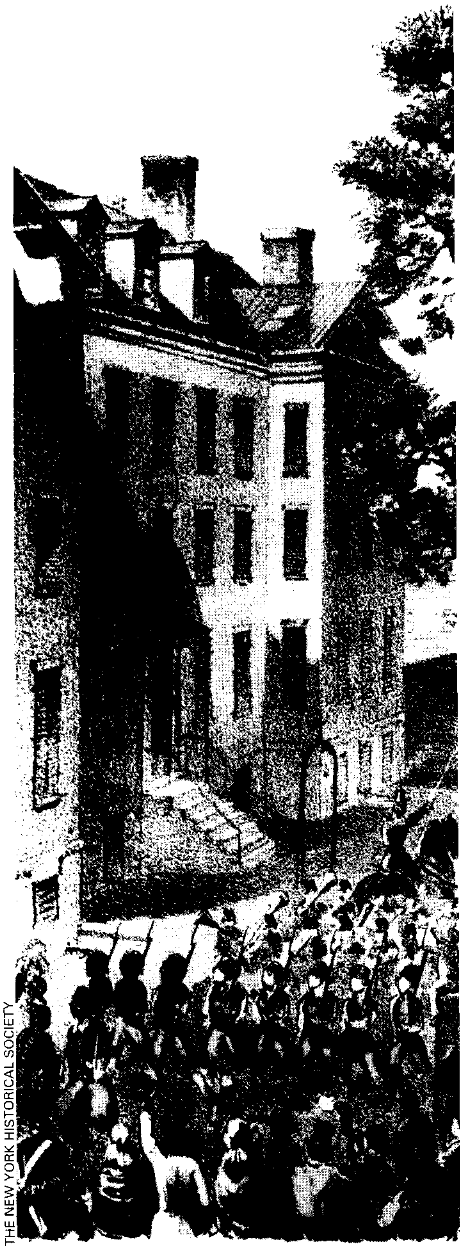


MUSEUM OF THE CITY OF NEW YORK

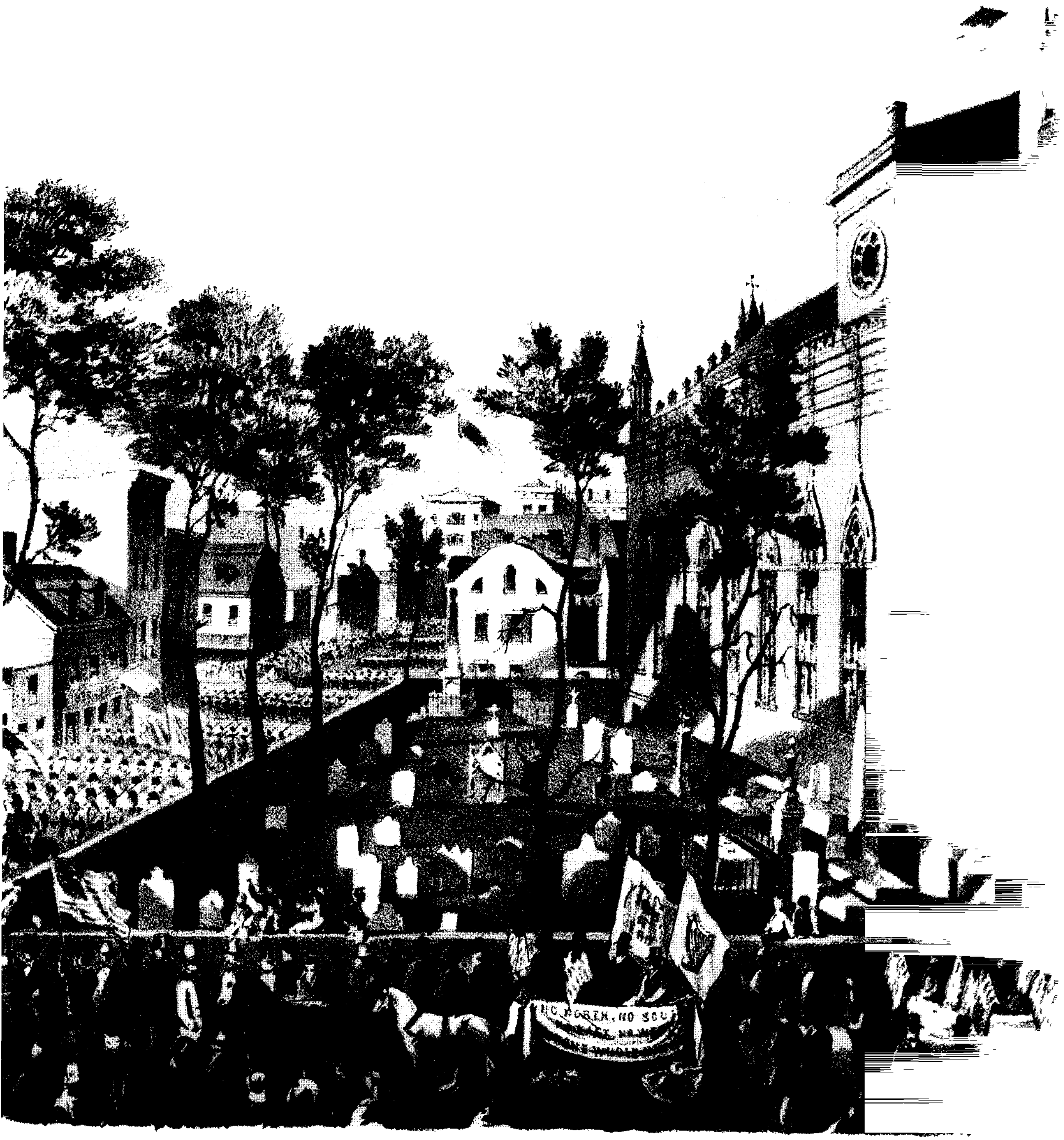
Old St. Patrick's Cathedral.

He did this by putting Catholicism's Marian Doctrine right at the center of his message. Irish women would hear from the priests and nuns that Mary was Queen of Peace, Queen of Prophets, and Queen of Heaven, and that women were important. The "ladies of New York," Hughes told them, were "the children, the daughters of Mary." The Marian teaching encouraged women to take responsibility for their own lives, to inspire their men and their children to good conduct, to keep their families together, and to become forces for upright behavior in their neighborhoods. The nuns, especially, encouraged women to become community leaders and play major roles in church fund-raising activities—radical notions for a male-dominated society where women did not yet have the right to vote. In addition, Irish men and women saw nuns in major executive positions, managing hospitals, schools, orphanages, and church societies—sending another highly unusual message for the day. Irish women became important allies in Hughes's war for values; by the 1850s they began to be major forces for moral rectitude, stability, and progress in the Irish neighborhoods of the city.

When Hughes went beyond spiritual uplift to the material and institutional needs of New York's Irish, he always focused sharply on self-help and mutual aid. On the simplest level, in all parishes he encouraged the formation of church societies—support groups, like today's women's groups or Alcoholics Anonymous, to help people deal with neighborhood concerns or personal and family


Sarony Major & Knapp 449 Broadway, N.Y.

THE NEW YORK HISTORICAL SOCIETY



for D.T. Valentine's Manu

DEPARTURE OF THE 69TH REGT N.Y.S.M. TUESDAY APRIL 23D 1861

THE IRISH HEADQUARTERS AROUND ST PATRICKS CATHEDRAL, COR. PRINCE & MOTT S problems, such as alcoholism or finding employment. In these groups, people at the local level could exchange information and advice, and offer one another encouragement and constructive criticism.

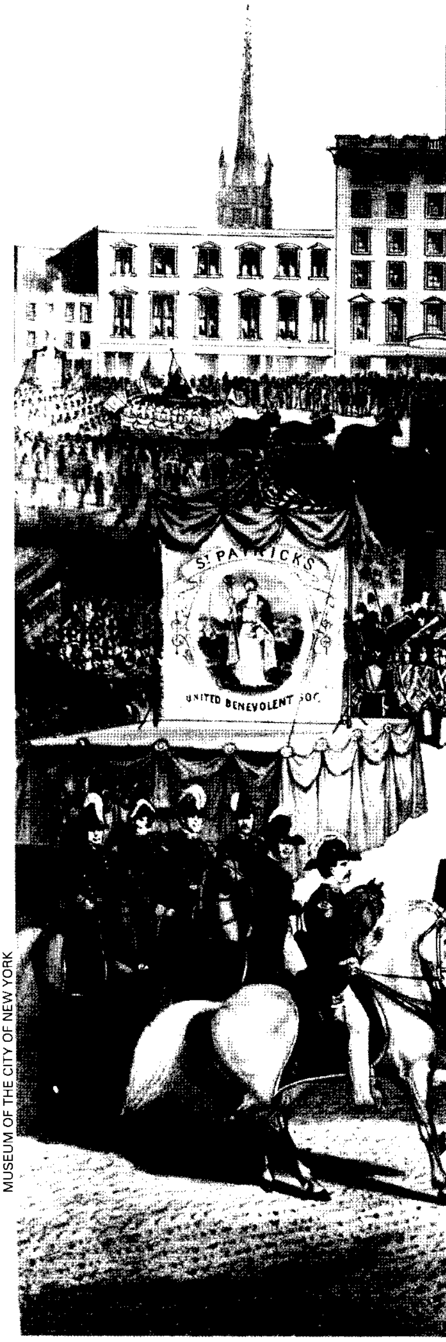
Hughes worked hard to get jobs for his flock. The nuns in his diocese became employment agencies for Irish domestics: rich families knew that a maid or cook recommended by the nuns would be honest and reliable. The nuns encouraged Irish women to run boarding houses for new immigrants and to become fruit and vegetable vendors. Irish women came to dominate the city's produce business, and some went on to succeed with their own grocery stores.

Hughes encouraged the formation of the Irish Emigrant Society, out of which the Emigrant Industrial Savings Bank later grew. The society helped find people jobs in sail making, construction, carriage repair and maintenance, and grocery stores. The society expected those it sponsored to behave properly on the job and work conscientiously, so as to reflect credit upon their patron. Those who misbehaved incurred the wrath not only of their employers but of the Emigrant Society and the parish priest, both unembarrassed about using shame to encourage good behavior.

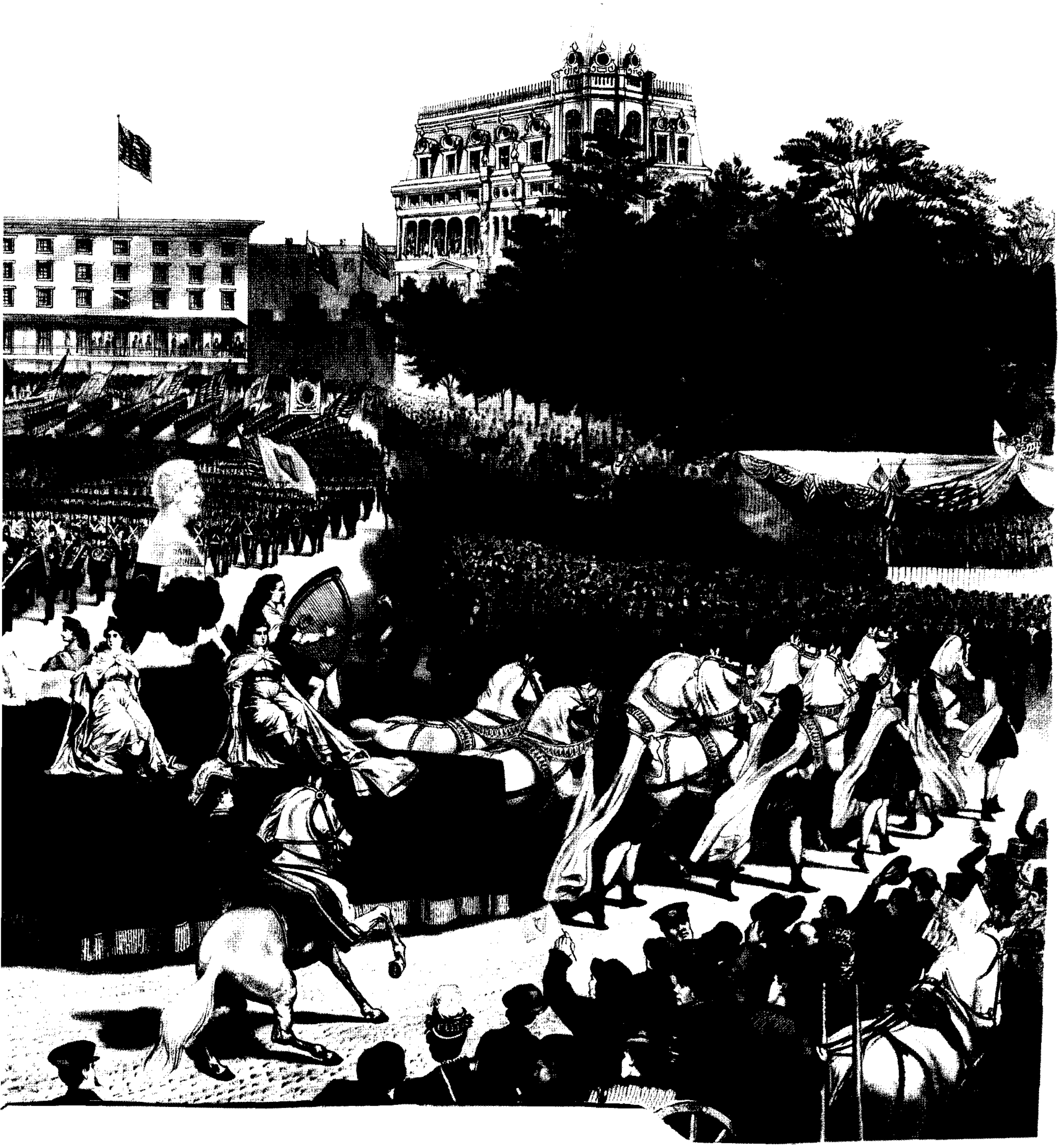
When it came to charity, Hughes had nothing but contempt for the way New York officials went about it, warehousing the poor in the municipal almshouse and giving them subsistence levels of food, shelter, and clothing until they died, usually of typhus, typhoid fever, consumption, or cholera. Hughes dismissed this approach, which made no effort to re-moralize the demoralized poor, as "soupery."

By contrast, Hughes imported church groups that had shown elsewhere in the world that they could help solve tough social problems. The most famous was the St. Vincent de Paul Society, a group of laymen who gave personal service to the poor. They visited prisons, organized youth groups, and taught reading and writing. Whenever they provided food, clothing, or shelter, they required the recipients, when possible, to work in return. An order of nuns, the Sisters of Mercy, worked closely with the St. Vincent de Paul Society, visiting the city's almshouses and prisons and urging the women in them to find work and to conduct themselves according to Church teachings. They founded their own home for immigrant girls, a halfway house between dependency and work, where they provided spiritual guidance, taught such basic skills as cooking and cleaning, and helped women find jobs, usually as domestics.

Faced with perhaps as many as 60,000 Irish children wandering in packs around New York City—not attending school, not working, not under any adult

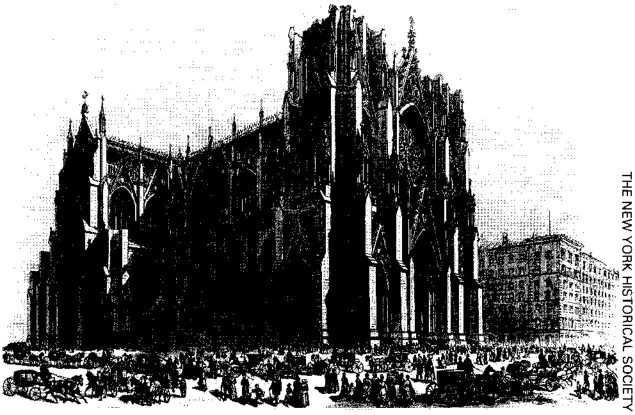


MUSEUM OF THE CITY OF NEW YORK



ST. PATRICKS DAY IN AMERICA

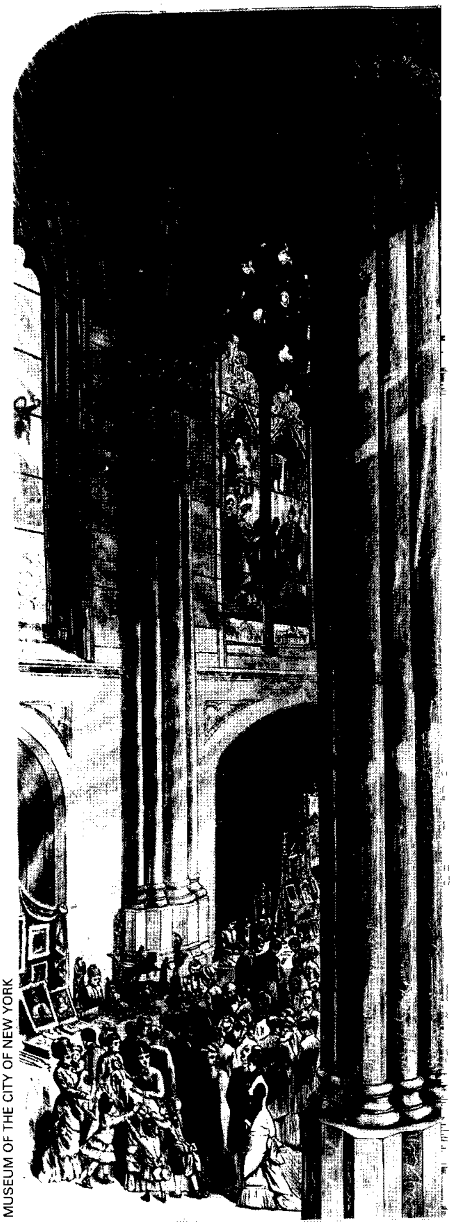
supervision—Hughes encouraged the formation of the Society for the Protection of Destitute Catholic Children, known as the Catholic Protectory, which was in a sense the forerunner of Boys Town. To rescue these children, who in the words of the Protectory's head, Dr. Levi Ives, were "exposed to all the horrors of hopeless poverty, to the allurements of vice and crime in every disgusting and debasing form, bringing ruin on themselves and disgrace and obloquy," the Protectory purchased a 114-acre farm near Westchester and erected buildings for boys and girls. The mission was clear: the Protectory staff believed that, in Ives's words, "by proper religious instruction and the teaching of useful trades they could raise the children above their slum environment." Ives had no doubt that the children had to be taught sound values before they would have a chance at a productive life.

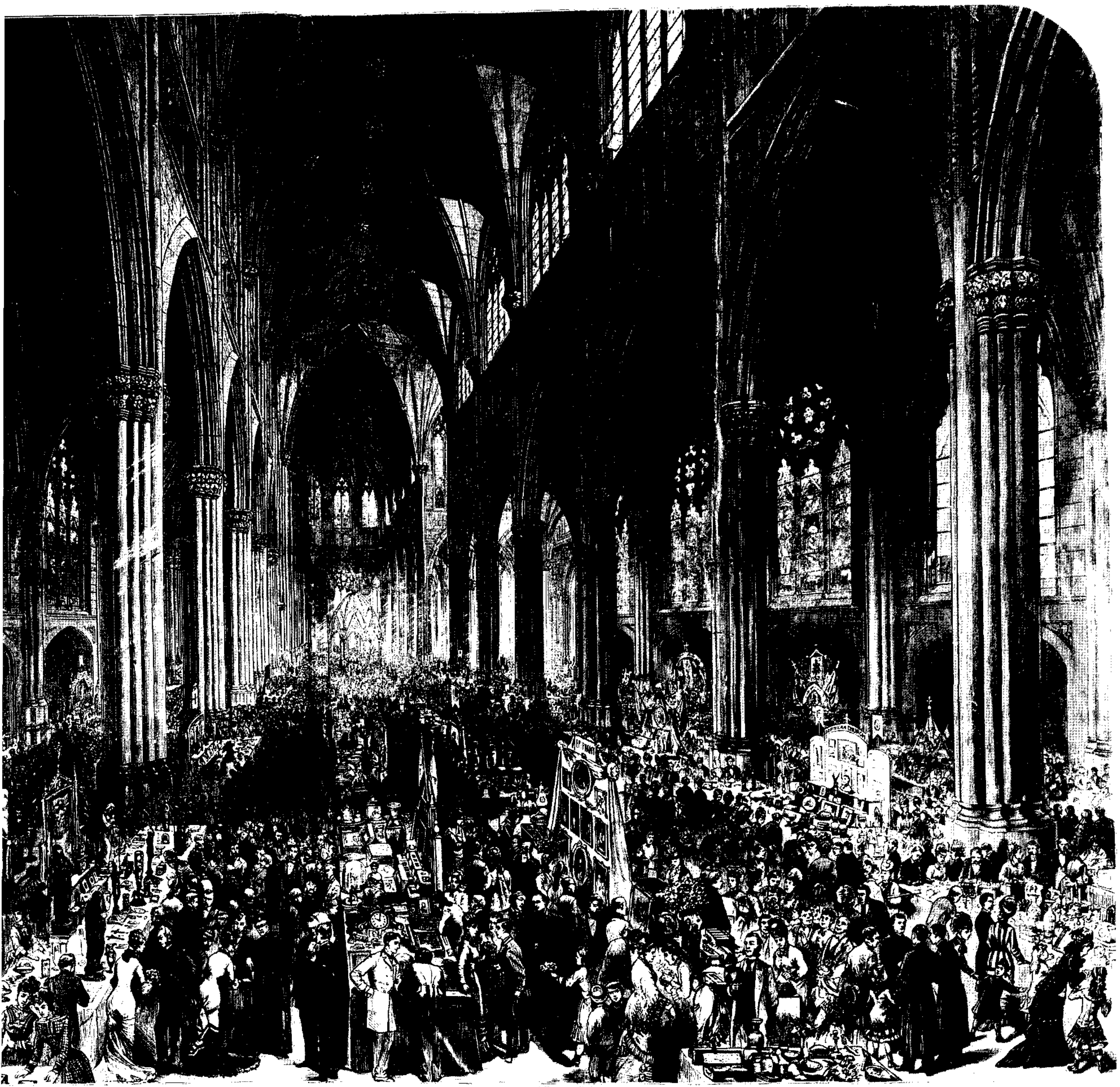

THE NEW YORK HISTORICAL SOCIETY

The Great Fair at St. Patrick's Cathedral.

Though the Protectory received some city and state money, the Irish themselves provided its main support with enthusiastic private contributions. Hughes and Ives made it clear that these children were the community's responsibility: their own Irish parents—not the nativists or the unfeeling city—had abandoned them to their plight. The Irish, as Hughes and his priests and nuns tirelessly taught, had a moral responsibility to give money to this cause, as well as to the Church and all its other charitable organizations. For Hughes, such community self-help and personal responsibility were the essence of Christian charity.

By 1850 the city's Catholics had become so numerous that Rome made New York an archdiocese and Hughes an archbishop. He received the pallium, the woolen band that was the symbol of his new authority, directly from Pope Pius IX, a sign of the growing importance within the Church of American Catholics in general, of New York's Catholics in particular, and of Hughes himself. As the 1850s wore on, the archbishop began to conceive a plan that would give magnificent, concrete expression to the rise of New York's Catholics. He would build a great cathedral, financed by the Catholics themselves, as proof to the Protestant elites that the Irish, too, knew how to make New York the premier city of the world. More important, such an accomplishment would give an enormous boost to the morale of the Irish community itself—which, however poor, was not too poor to achieve something grand.


MUSEUM OF THE CITY OF NEW YORK



(Supplement to Frank Leslie's Illustrated Newspaper, No. 1,205.)

ST. PATRICK'S ROMAN CATHOLIC CATHEDRAL, FIFTH AVENUE, BETWEEN FIFTIETH AND FIFTY-FIRST STREETS, NEW YORK.

INTERIOR OF THE MAGNIFICENT EDIFICE ON THE OCCASION OF THE OPENING OF THE GRAND FAIR OF THE ROMAN CATHOLIC CHURCHES OF NEW YORK CITY, OCTOBER 22D, 1878. — FROM SKETCHES AND PHOTOGRAPHS BY OUR SPECIAL ARTISTS. — SEE PAGE 147.

Hughes laid the cornerstone on August 15, 1858, before a crowd of over 100,000, their imaginations fired by the hugely ambitious project. He had raised only $73,000 of the project's estimated $1.5 million cost (a figure that ultimately rose to over $4 million, a staggering sum for the nineteenth century). But Hughes believed that if you took on a challenge, you would perforce rise to meet it. St. Patrick's was finished in 1879 by his successor, John McCloskey, who raised the final $172,000 by holding a giant fair in the nave of the new cathedral for 42 days.

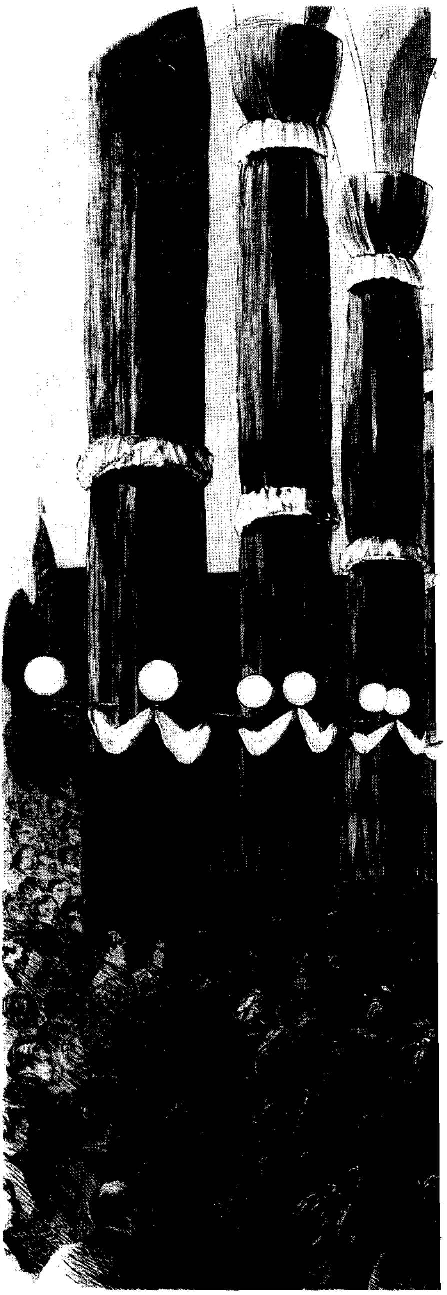
In 1863, with construction of the cathedral suspended because of the Civil War, the worst urban rioting in United States history broke out among the Irish in New York. Over 1,000 people were killed in three days. The Irish were enraged that the Union army was drafting them in disproportionate numbers because they could not afford the then legal practice of buying their way out of military service. Irish boys, who made up about 15 percent of the Union army, were suffering horrific casualty rates since they were commonly used as frontline troops against better-trained and better-led Confederate soldiers. In addition, rumors spread that once the slaves were freed, they would take Irish jobs or live off taxes on the Irish. The rioting Irish attacked blacks, nativists, and, on the third day, anybody who was around.

A then-dying Archbishop Hughes summoned the leaders of the rebellion to meet with him. However disturbed he might have been that the Irish were being called on to do so much of the dying in the struggle against the South, he supported the war and was totally opposed to slavery, having preached against it since his ordination as a priest in 1826. He told the riot leaders that "no blood of innocent martyrs, shed by Irish Catholics, has ever stained the soil of Ireland" and that they were dishonoring that impeccable history.

The riot leaders went back to their neighborhoods, and the violence melted away. The riot saddened the dying archbishop: he felt he had failed as a prelate. His friend and loyal subordinate, Bishop McCloskey, was saying the prayers for the dying when the end came for Hughes on January 3, 1864.

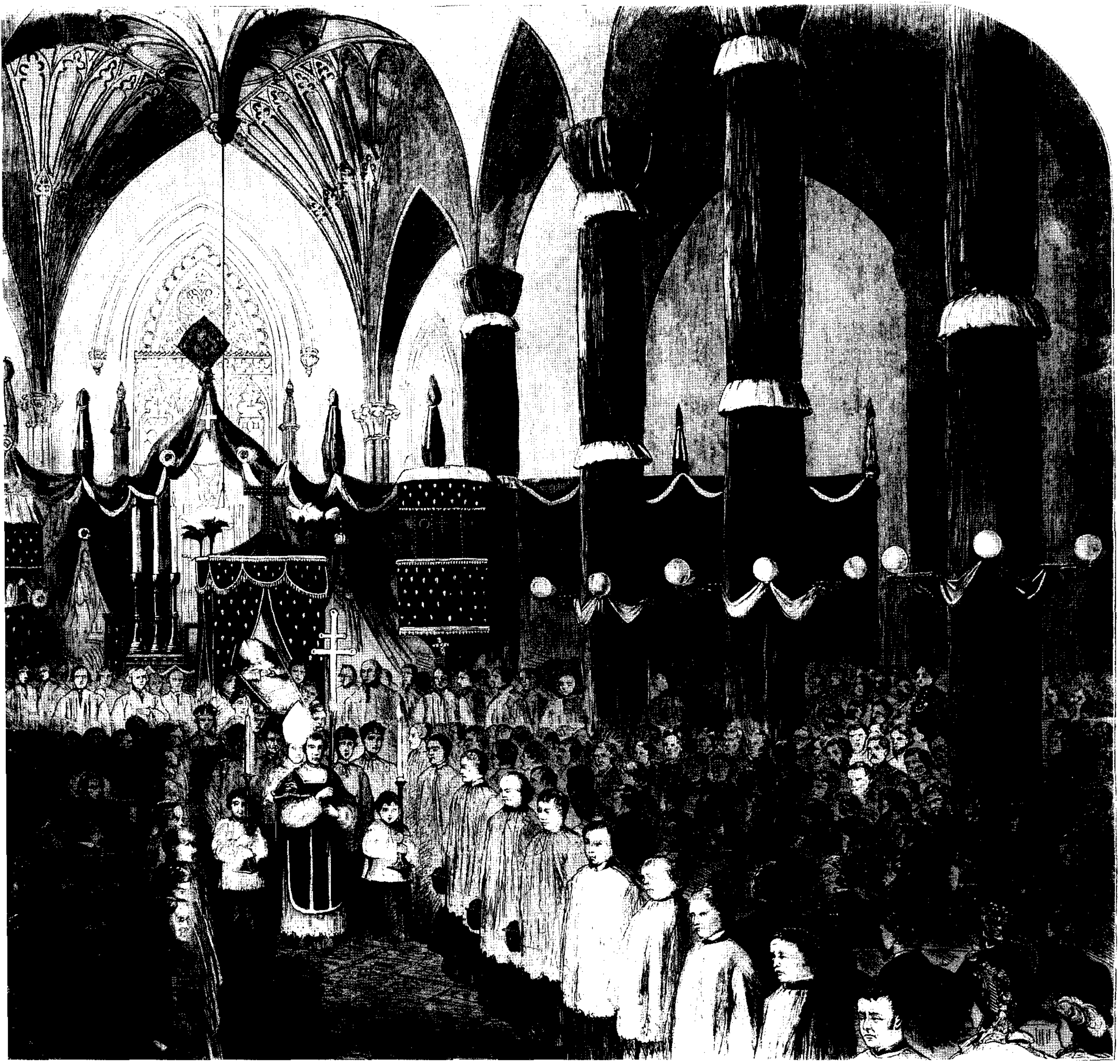
He had not failed, of course. The Draft Riots of 1863 were the death rattle of a destructive culture that was giving way to something constructive and edifying.

Though just 30 or 40 years before, New Yorkers had viewed the Irish as their criminal class, by the 1880s and 1890s the Irish proportion of arrests for violent crime had dropped from 60 percent to less than 10 percent. The Irish were the pillars of the criminal justice system. Three-quarters of the police force was Irish. The Irish were the prosecutors, the judges, and the jailers.



THE NEW YORK HISTORICAL SOCIETY

Alcoholism and drug addiction withered away. By the 1880s an estimated 60 percent of Irish women, and almost a third of the men, totally abstained from alcohol. Many Irish sections in the city became known for their peacefulness, order, and cleanliness—a far cry from the filth, violence, and disease of the Five Points and Sweeney's Shambles of mid-century. Gone, too, was the notorious Irish promiscuity of those years; New York's Irish became known by the latter part of the nineteenth century as a churched people, often chided by the press for their "puritanical" attitudes. Irish prostitutes virtually disappeared in the city, as did the army of Irish youths wandering the streets without adult supervision. Irish family life, formerly so frayed and chaotic, became strong and nourishing. Irish children entered the priesthood or the convent, the professions, politics, professional sports, show business, and commerce. In 1890 some 30 percent of New York City's teachers were Irish women, and the Irish literacy rate



The funeral of Archbishop Hughes in January 1864.

exceeded 90 percent. In 1871 reformer "Honest" John Kelly became the leader of Tammany Hall, and with the election in 1880 of shipping magnate William Grace as mayor, the Irish assumed control of city politics.

How important a figure was John Hughes in American history? Suppose the mass immigration from Ireland of the mid-nineteenth century had turned into a disaster for the country. How likely is it that the open immigration of the late nineteenth and early twentieth centuries would have been permitted? Nativism would have won, and America would be an unrecognizably different country today—and an immeasurably poorer one. ●

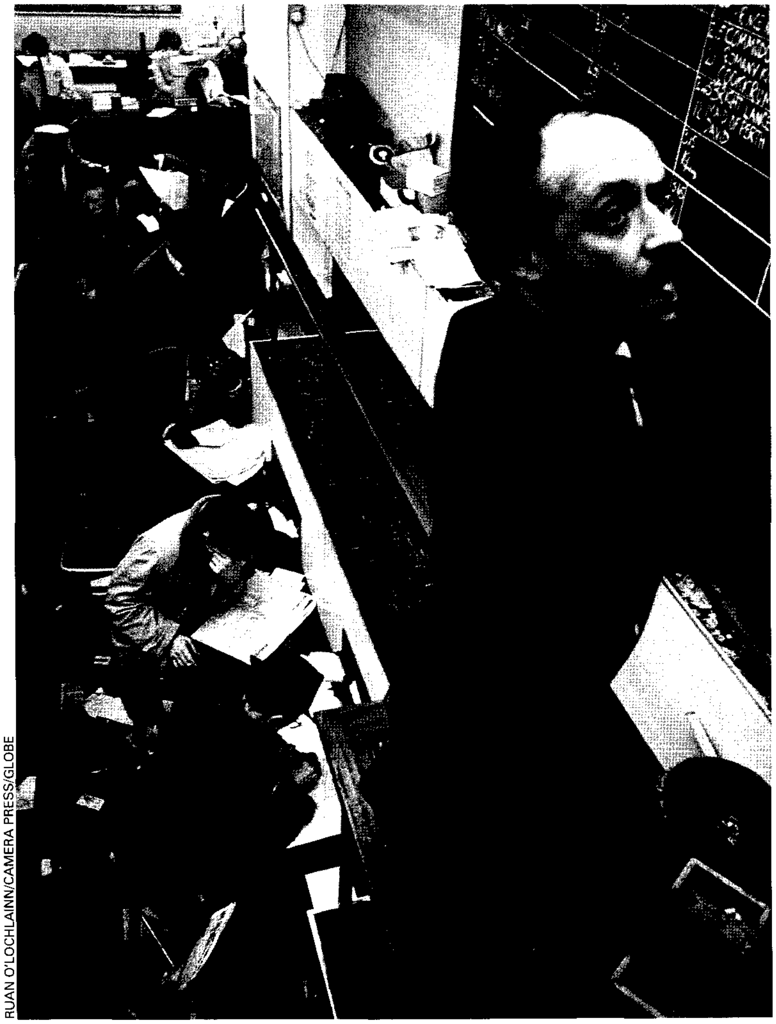
Oh, to be in England

"There's No Damned Merit in It"

Theodore Dalrymple

The British have a curious attitude toward wealth: they desire it for themselves but wish to deny it to others. And so, not surprisingly, there are very few methods of acquiring wealth of which they approve. Among them is gambling.

When in 1991 the government instituted a National Lottery, Britons were hooked at once. It seemed to them that buying a winning ticket was a perfectly legitimate—perhaps the *only* perfectly legitimate—way of acquiring a lot of money. After all, everyone who buys a ticket has an equal chance: the effort and talent usually necessary to accumulate wealth are completely redundant. A mental defective has as much chance of winning as a genius, a slothful spendthrift as an industrious saver. This is what the British now mean when they talk of equality of opportunity—though they have not yet quite descended to the level of the Nigerian author of a self-help manual who, illustrating the need for hard work as a prerequisite for success, asked rhetorically, "How can you win a lottery if you do not fill the ticket in?"



RUAN O'LOCHLAINN/CAMERA PRESS/GLOBE

Studying for the next race in a betting shop.

Full-page ads in the British press recently trumpeted the immense success of the National Lottery. In its short existence (the ad boasted) it had raised more money than its longer-established equivalents in Japan, France, and Spain, adding that this success was "not by chance."

No, indeed not: for the British population is universally acknowledged to be the worst-educated of any Western country and, as one commentator wrote, any National Lottery may be construed as a tax on stupidity. In fact, it is as much a tax on hopelessness and impatience as stupidity. The poorest and worst-educated section of the population spends the most, both relatively and absolutely, on lottery tickets. Those who feel that there's no way to escape their predicament through their own efforts are most inclined to resort to the lottery; and every week—soon to be twice a week—the selection of random numbers fans the embers of hope among innumerable people in despair.

The National Lottery is both a form of gambling and a true tax, by means of which the poor pay for the pleasures of the rich. A committee awards the profits to orchestras, art galleries, dance companies—even a theater group composed of radical feminist ex-prisoners. The largest beneficiary so far has been the Royal Opera House, Covent Garden, where a heavily subsidized seat can still cost $400. But like all gamblers, lottery ticket buyers think not of where their lost stakes go but of how they will dispose of their winnings.

If the British happily accepted inequalities of wealth as being in the nature of things, indeed as both a precondition and a consequence of a free society, the pernicious effect of the National Lottery upon the morals of the nation would not be so great. It would merely be a bit of fun. But most Britons equate inequalities of wealth with inequity and injustice, and explain away their own urge for sudden enrichment as a kind of poor man's revenge upon a system that allows men to accumulate an unfairly large portion of the world's goods by talent and hard work. Even so, there is more rejoicing in Britain over the bankruptcy of one self-made millionaire than over the enrichment of 99 poor men.

The social legitimacy of gambling in Britain is of relatively recent origin. When I was a child, I heard dark hints that an uncle of mine had wasted his substance upon the ponies; he had also gone, in the words of *Nicholas Nickleby*'s Mr. Mantalini, to the demnition bow-wows and had wagered—and lost—a fortune upon them. Off-track betting offices (delicately called Turf Accountants in the early days of their legality to give them an air of professional respectability) were illegal until 1963. Indeed, my first contact with gambling as a child was in my local barber shop, which ran an illegal book. The barber would interrupt the progress of the clippers down my neck (I can feel the tingling still) to rush to the telephone, down which, sotto voce, he spoke an incomprehensible jargon—nine to four on, the going's soft, three to one each way, and so forth.

Meanwhile, I was left to contemplate the mysterious little purple-and-cream envelopes on the shelf in front of me, which my older and wiser brother later explained to me contained condoms. Thus sex and gambling came alike to symbolize for me the illicit and the forbidden. Even now, sex and gambling have a connection in my mind: many of my younger female patients, explaining the existence of an illegitimate child or two, use expressions universally current hereabouts: "I caught pregnant," or "I caught for a boy." Unavoidably, an image rises to my mind's eye of a spinning roulette wheel revolving ever more slowly, until the ball settles in a compartment that bears not a number but the word "boy" or "girl."

Few social inhibitions against gambling remain: the yellow pages now list casino and bingo halls in the same category as veterans' associations, political clubs, and voluntary societies to provide amusement for the elderly. Bookmakers, however, have a section to themselves: a considerably longer section than the one immediately next to it listing booksellers.

Apart from the National Lottery and scratch cards, which have turned every supermarket, convenience store, and gasoline station in the country into a gambling hall, there are three main types of establishments for gambling in the city, each with its own clientele, which I list in ascending order of unsociability: the bingo hall, the betting shop, and the casino.

The bingo industry expanded in the sixties, and what had formerly been a game played once a year at the seaside while on holiday became the focal point of the social lives of hundreds of thousands of Britons. No town of any size is without several bingo halls, almost always converted cinemas with names like Ritzy, Rex, or Roxy. Like raspberries, which today are imported year-round from the uttermost parts of the earth so that we should never be without them, bingo is now perennial. Come rain or shine, the players may be seen

Bingo parlors in converted movie palaces now saturate England.

arriving at the bingo hall as punctually as alcoholics arriving at the bars for opening time.

Pink and apple-green neon lights festoon the buildings on the outside, lending an air of cheap and gaudy gaiety. But the atmosphere inside, in the Art Deco auditorium, is quite different. Demographically, the crowd resembles the Russian Orthodox congregations of Khrushchev's day: preponderantly elderly women, with a high concentration of widows and walking sticks. All the men—not more than a fifth of the total—are old; a glance shows that many suffer from that former bane of the English working class, chronic bronchitis.

No wonder: the air is thick with cigarette smoke, so thick that I feel the back of my throat seizing up, as if in a gas attack. My eyes begin to sting. I haven't seen or breathed air like this since my childhood, when the London November pea-souper meant that men had to walk in front of buses to guide them on their way and it was too dark for me to go to school.

Medical correctness hasn't reached the bingo hall yet. It is with a certain pleasure—no, joy—that I watch women with the physiques and mobility of beached whales refresh themselves constantly (as they mark their cards) with large piles of cholesterol-raising fried foods and large volumes of tepid, watery English beer. Tomorrow, of course, they'll go to their doctors and tell them that, however hard they try, they just can't seem to lose weight: they only have to look at food, and the pounds go on.

I'm recognized at once as someone who doesn't belong here, both because of my comparative youth and my ignorance of what to do and how to play. An elderly man, a widower, takes me under his wing and shows me the ropes. He advises me to take only two cards at a time: a tyro like me couldn't manage more. He is happy to induct the younger generation into the bingo culture, content that bingo will live after him.

To my shame, I see around me old ladies of the type I would normally test for Alzheimer's disease were they to appear in my hospital sitting, with 8, 10, and 12 cards that they mark simultaneously and with aplomb. They even have time for humorous remarks to their neighbors. They take in up to 180 numbers at a single glance, and mark off the numbers as they are called with so little effort that they must have memorized to perfection all the cards. Could it be that the mental exercise, hour after hour and day after day, of marking the cards keeps old brains young? Could it be that the hope, repeated every day, of winning tonight's jackpot—an all-expenses-paid week for two in Tenerife or a complete set of Le Creuset saucepans—is what keeps neuronal degeneration at bay?

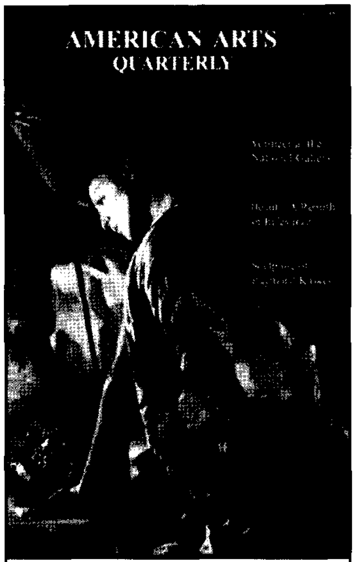
The young man, dressed in a golden satin tuxedo, who calls out the numbers randomly generated by the computer tries desperately to infuse the process with human interest: some numbers seem to surprise and others to amuse him. A few of the numbers are known by their nicknames: legs 11, for example. The contestants greet them with murmurs of appreciation, as if they were old friends.

Before long, someone calls "Bingo!" I and all the others have lost, but the winner's triumph seems to arouse no envy, only genuine pleasure and even congratulation: after all, it could have been any one of us, and next time it probably will be. As Lord Melbourne, the nineteenth-century British prime minister, put it when explaining the advantages of the Order of the Garter, the highest British chivalric order, which was then awarded exclusively to members of the upper aristocracy, "There's no damned merit in it." Triumph without merit: surely the dream of half of mankind and three-quarters of the British.

The first couple of rounds of bingo just about hold my interest, but the charm soon wears thin and will evaporate into tedium. As if sensing my incipient boredom after the completion of the second round, the man who calls the numbers declares that he has an important announcement to make: it is Beryl's birthday. Applause breaks out, and the man leads us all in singing "Happy Birthday" to Beryl. He asks Beryl to come forward and collect the champagne—actually, a cheap imitation—with which the ever-solicitous management is pleased to present her on this auspicious occasion. More applause.

Everyone is touched. Beryl takes a bow, as if she had achieved something. In fact, the bingo hall celebrates at least one birthday every day, sometimes as many as five or six, because to join the club (you cannot by law walk straight off the street into a bingo hall) you have to have given the management your date of birth. The computer spews out birthday invitations to members to come celebrate in the hall; since the club has over 3,000 members, it finds at least one celebrant per day. Yet each birthday, like each bottle of fake champagne, kindles not just delight but surprise, and every birthday can be applauded with gusto because there is no damned merit in it: everyone has a birthday.

P. J. GRIFFITHS/MAGNUM



AMERICAN ARTS QUARTERLY

An interdisciplinary journal on the arts in America, AAQ *seeks to provide insights into the role the arts and humanities play in shaping the values and standards of American life.*

Available ***FREE*** *of charge to artists, educators, institutions and professionals.*

To receive a one-year COMPLIMENTARY subscription, send a written request to:

American Arts Quarterly
P.O. Box 1654
Cooper Station
New York, N.Y. 10003

Submissions of papers on historical and contemporary issues in the arts are welcome.

The voice of freedom never faltered, even though it stuttered.

Winston Churchill was perhaps the most stirring, eloquent speaker of this century. He also stuttered.

Learn about the many ways you can help yourself or your child. Because your finest hour lies ahead.

STUTTERING FOUNDATION OF AMERICA
A Non-Profit Organization
Since 1947—Helping Those Who Stutter
Call Toll-Free 1-800-992-9392
P.O. Box 11749 • Memphis, TN 38111-0749

1996-1997 AIA

AIA New York City Directory of Architectural Firms

Over 500 architectural firms and related professionals listed.
$50 ($20 students)
For information call
212-683-0023 ext.14

Beryl slides back into anonymity after her comet-like blaze across the firmament of the bingo hall, and the serious business of the day is resumed. I am now completely bored.

"How often do you come?" I ask my bingo mentor. "Three or four times a week," he replies. "But I'm not a fanatic, like some of them."

"Is that common?" I ask. "Yes," he replies. "It's somewhere to go for them and something to do."

Life, on this view, is 70 years of tedium sandwiched between two eternities of oblivion. I leave the bingo hall with a strange amalgam of thoughts and feelings: for the hall offers many elderly people the simulacrum, at least, of a social life, and bingo, apart from those few who become so obsessed with it that they waste their entire income upon it, is harmless. The atmosphere in the hall is warm, welcoming, reassuringly womb-like, and the players are decent folk intent on a little fun. But the repetitious mindlessness of the game seems to speak of a mental and spiritual void that, given the age of the players, has evidently been present in England for many years. We have a land not of bread and circuses but of potato chips and bingo.

The betting shop, by contrast, is as exclusively a male preserve as London clubs used to be. My hospital being in an area of high unemployment (24 percent, in fact), there are several betting shops within a few hundred yards of its main entrance. I have never seen a female customer in any of them, and most of the customers are poor and unemployed. You would hardly have to be a revolutionary Marxist to observe how the poor are fleeced—with their own eager cooperation, of course—of what little money they have by the possessors of capital, in this case the owners of the betting shops, which are affiliated with one of two large chains. The poor, as a sixteenth-century German bishop once remarked, are a gold mine—though curiously, among my patients I meet only those who claim to win on the horses, never to lose.

Inside the betting shop, whose windows onto the street are always opaque (a residuum of the old taboo against betting), knots of men gather to discuss local gossip and hot racing tips of the day. Arguments break out about the relative merits of Kevin's Slipper and Aladdin's Cave for the 3:30 at Utoxeter. They are the kind of men I know well from my medical practice: men whose chronic backaches prevent them from ever again undertaking gainful employment, but who are capable of surprising feats of physical endurance in the right circumstances, such as a pub brawl.

Attached to the walls are today's racing papers. Middle-aged men read them with a studious air, peering at them with donnish half-moon spectacles. I find it rather difficult to follow the technical language, as in this description of a horse: "Dancing Alone: Out of a winning sprinter but no sign of ability for Pip Payne at two when well beaten in maidens and a seller (well backed for the latter); off track since and first run for a new stable." The dog-racing language, terser, is almost as opaque: "Well-placed on the stagger, sees out the trip," or "Operates well enough from 'red,' must respect."

Even the forms on which the bets are placed require technical knowledge of the different types of bet: the Round Robin, the Patent, the Yankee and Super Yankee, the Tricast, and the Alphabet. The betting shop is not so much a form of entertainment as what American social anthropologists would call a culture. It is a way of life: up and down the country thousands of people spend the entire day, the entire week, in the betting shop. There are never fewer than 15 people in the shops I have been into, and, since there are at least 200 such shops in the city, there must be at least 3,000 people in betting shops at any given moment in our city of just under a million, or about 1 percent of the adult male population.

Overhead televisions relay the races as they happen: a cacophony of competing commentaries, mixed with announcements over the public address system advertising new types of bets—not just on horses or dogs—with prizes of $150,000 for a stake of only $1.50. You can bet on anything, it seems: the results of individual soccer and boxing matches, the forthcoming election, the outcome of a debate in the House of Commons, the number of winners on track number 3 this evening at Small Heath Dog Racing Stadium, and even on the likelihood of the end of the world happening by the year 2000, though presumably collection in the event of being right would in this instance prove difficult.

A man in a camel coat and with a spiv's greased mustache approaches me and points to one of the television screens: a horse is winning the race by a mile. My interlocutor holds himself as a cut above the rabble in the corner who are smoking dope (the center of crack dealing in a nearby area is the local betting shop). That is why he has approached me.

"That's a good horse," he says, with an air of profound cogitation. "He won like that last time out. I'm thinking of backing him for the Classic. What do you think?"

"I . . . er. . . ." I'm not sure what to say: he's being friendly and wants to start a long and learned conversation about White Admiral's chances in the Classic, but it won't take him long to discover that I know nothing about it, that I am a complete stranger, a foreigner, in his country. "Personally, I bet at random," I reply and wish him good luck—probably considered the height of ill taste in these circles. A winning ticket in the lottery is good luck; a win on the horses is the result of long study of the form and superior perspicacity. The study of the form is the betting

"Not since H.L. Mencken and *The American Mercury* has literary America seen so much fur fly"
— *The Boston Review*

Imagine a literary-intellectual journal committed to independence: in its critical judgments, in its expression of opinions and ideas, in its refusal to give ground to today's arbiters of artistic and literary tastes.

Hilton Kramer's *New Criterion* is published for the rest of us -- people who love literature and the arts but refuse to follow the lead of a single-minded critical "elite."

To sample a copy of a journal that is literate, thought-provoking, and immensely fun to read, mail the coupon below. The next issue of America's premier journal of art and cultural life is yours FREE — send for it today!

The New Criterion
FREE Introductory Issue

I Accept, Mr. Kramer!

Send me an issue of *The New Criterion* FREE. If I like it, I'll receive nine additional issues (a full year) for only $19.95 — a savings of over $27 off the single-copy price. Otherwise, I'll write "cancel" on your bill and owe nothing. Either way, the free issue is mine to keep. 6CJ96

Name ____________________

Address ____________________

City/State/Zip ____________________

The New Criterion, P.O. Box 3000, Denville, NJ 07834

man's philology, philosophy, science, and literary criticism all rolled into one. Such a betting man invests immense effort and long periods of time in cogitating permutations of variables—the going, the handicaps, past performance, the jockeys, the position at the start, and so forth—as alchemists devoted themselves with useless pedantry to the transmutation of base metal into gold. And how many betting widows do I meet in the hospital, who hardly see their husbands while the betting shops are open!

The third type of gambling establishment in our city is the casino. There are two within walking distance of my house, and I am now a member of the more salubrious of them. Sometimes, when I go for a walk, I pass the prostitutes who solicit nightly on my street corner, and I continue past the casino, a renovated Victorian building with a decor of bordello pink with a minor Turkish pasha's chandeliers. In the parking lot, at all times of the day and night, Jaguars and BMWs congregate, and their owners always seem to have one last conversation on the mobile phone before going in to the roulette tables. They are businessmen with money to throw away: to lose a few thousand in front of their peers and retain their sangfroid brings them prestige. They must be doing well if losing a sum like that within a few minutes hardly affects them.

They are not the only customers. Smaller fry abound also, dressed usually with a shabby gentility, who come to stake their barely disposable income on the tables. No one is excluded: the casino is a democratic institution.

There are five casinos in our city, and the law says you must have been a member for 48 hours before you enter one of them. I show my passport and am told the following rules of membership: 1) No T-shirts; 2) No trainers (i.e., sneakers).

I promise to comply, and two days later I receive my membership card and a letter from something called the Membership Committee, which sounds like an invention by G. K. Chesterton: "The Membership Committee is pleased to inform you that you have been elected to life membership of the . . . Club." I can't help feeling flattered: though, as I discover later, more than 3 percent of the population of our city, or 30,000 people, are likewise life members of this one casino alone. As the manager of another casino put it to me, however, the real question is, how many of the members are active? This is precisely the question churches ask: baptisms and funerals are all very well, but what happens in between?

Casinos haven't changed very much down the ages. Everything to be observed in the casino of which I am a life member is to be found in a novella by Dostoyevsky written in 1866. Casino gambling is a solitary vice, asocial and atomistic: I watch a man despairingly fling $60 to the croupier, who picks it up and inserts it into the bowels of the table with lizard quickness, returning him some chips. Within two minutes he has won—and lost—$1,600. Like Grandmama in Dostoyevsky's *The Gambler*, he has won twice in succession on a single number; and like the onlookers when the protagonist of *The Gambler* wins an immense sum, I want desperately to urge the man to go, to leave while he is winning. But no; in another minute he has lost everything. And, as Dostoyevsky remarks, no other human activity provides so many and such strong emotions in so short a space of time: fevered hope, despair, elation, joy, misery, excitement, disappointment. This is crack cocaine without the chemicals.

Widows with large solitaire diamond rings walk round the tables with their little notepads, supplied by the casino, recording numbers and trying to work out a system. There is no system, of course, and never has been, not since the women in *The Gambler* walked round the tables with their little notepads, supplied by the casino, trying to work out a system. . . .

The best customers of casinos have changed: they used to be Jews, then Greeks, then Chinese, and now increasingly they are Indian. But the roulette table dissolves all racial and social barriers: the Muslim and the Hindu, the businessman and the unskilled worker, are rendered brothers and equals by the spin of the wheel. If the lion and the lamb could play roulette, they'd lie down together in perfect peace.

I watch a man in his fifties, obviously not rich and dressed shabbily, buy chips for $40. He loses them all in a few minutes. He takes $20 from his pocket and loses it even quicker. He searches his pockets and comes up with $10. When he has lost that, he is penniless. Despair and disgust—with himself, with the world—are written on his face: but he'll be back, probably tomorrow, or whenever his pension arrives.

I went to a meeting of Gamblers Anonymous, held in a dismal and cold community center. There are five such groups in the city, the same number as casinos. Most of the gamblers there had been in trouble with the law: they had diverted funds from the companies for which they worked; they had lied, cheated, stolen, and defrauded even their own relatives and loved ones to fund their habits. There was practically no depth to which they had not sunk, that they might recover their losses with one last coup.

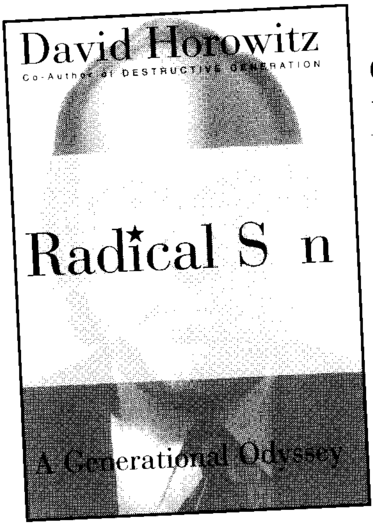
"As an organization, Gamblers Anonymous has no position on gambling," said one of them, a man "addicted" to slot machines. He had played them up to eight hours a day before coming—or being forced by the threat of prosecution for embezzlement—to his senses. "Millions of people gamble without coming to harm."

"But should gambling be officially encouraged or discouraged?"

Silence. •

"The First Great American Autobiography of This Generation."

—George Gilder, Author of *Wealth and Poverty*



"*Radical Son* is one of the best political memoirs I've ever read. Though it is really a love story—one man becomes passionately enamored of freedom, responsibility, and reason. Or maybe it's a book about faith healing, a true account of how belief in human dignity and individual rights cures blindness, folly, and hatred. Anyway, everyone who was ever involved with or influenced by the New Left should read David Horowitz's words, and then eat their own. I think the last political book that affected me this strongly was Hayek's *Road to Serfdom*."

—P. J. O'Rourke

"The most remarkable testament of its kind since Whittaker Chambers' *Witness*. A riveting work of literary distinction from first page to last."

—Mark Falcoff, *American Spectator*

"A document of the first importance for understanding the legacy of '60s radicalism."

—*Booklist*

* * * * * * * * * *

David Horowitz is the bestselling co-author of *The Rockefellers* and *The Kennedys*, president of the Center for the Study of Popular Culture, and co-editor of *Heterodoxy*.

Published by The Free Press, *Radical Son* is available at local bookstores everywhere; or call 800-752-6562 to order copies.

Letters

Housing That Works?

To the editor:
In "We Don't Need Subsidized Housing" (Winter 1997), Howard Husock invokes a 1994 study by the New School for Social Research to charge that low-income housing managed by nonprofit community groups suffers from serious maintenance problems and from tenants who don't pay their rent.

According to that study, Mr. Husock writes, 6 percent of the tenants of nonprofit housing in New York City were in arrears on their rent, yet none was evicted. He seems to have confused the percentage of tenants in arrears (a figure the study does not cite) with arrears as a percentage of gross potential rent. The actual percentage of tenants in arrears may be quite small, but because New York City law makes it costly and time-consuming to evict them, they may have been in arrears for a long while. He neglects to mention that the report found that rent collection and eviction were not major problems for nonprofit housing in the five other cities it considered.

Mr. Husock claims that "more than 60 percent of the projects" in the New School study "already had trouble maintaining their paint and plaster, elevators, hall lighting, and roofs." Again, he appears to have misunderstood a statistic: 62 percent of the projects had problems in "at least one area," and often the problem was trivial, like untidy dumpsters or garbage cans. And the study said it was "not possible to judge whether the observed problems are serious." Far from condemning nonprofit housing, the study concluded there is "reason to be optimistic about the growing proficiency and robustness of the nonprofit housing system."

C.WARE/FPG

Mr. Husock's invidious comparisons between private-sector housing and housing managed by nonprofit community development corporations (CDCs) are inaccurate. Recent studies sponsored by the Local Initiatives Support Corporation show that CDC-managed projects funded by the Low-Income Housing Tax Credit are incurring expenses within 10 percent of the median levels for similar projects, including those owned and managed by the for-profit sector, and that in both Boston and Philadelphia, they are actually cheaper.

Finally, however, such comparisons are irrelevant, because CDCs manage properties, house tenants, and revive neighborhoods that the private sector has for the most part abandoned. By holding their nonprofit operations accountable not only to their communities but to the high business standards of the private sector, CDCs are bringing new life to the inner cities of America.

Paul S. Grogan
President and CEO
Local Initiatives Support Corporation
New York, N.Y.

To the editor:
Howard Husock urges that we reduce the cost of low-income housing by eliminating luxuries. His sole specific dispensable luxury is metal plumbing, which, he argues, should be replaced by plastic. This suggestion would hardly cut the cost of new housing construction by more than a few cents per room per month. Is Mr. Husock prepared to follow up by eliminating such luxuries as non-flammable exterior walls, a full bathroom in each apartment, a stove in the kitchen, a window in each room, central heating, and doors on closets? Does he wish to reduce the minimum size of a two-person room from 110 square feet or a one-person room from 70 square feet?

It is painfully true that innovations in housing quality enacted into law in New York almost a century ago have not cured the alcoholism, intra-family violence, child neglect, or crime that exist among a significant fraction of low-income families. Such living patterns grossly increase maintenance costs today. It seems likely that the main result of eliminating existing subsidies across the board, as Mr. Husock recommends, would be to speed the dilapidation and destruction of housing, and that the ensuing homelessness and health and delinquency problems would inspire a new generation of reformers to argue successfully for a return to subsidization for the poor.

Roger Starr
The Manhattan Institute
New York, N.Y.

To the editor:
What is truly remarkable about Howard Husock's analysis is that he left out the biggest housing subsidy of them all—the mortgage interest deduction, which stimulated a tremendous amount of residential development in the postwar years. The deduction, along with the government's reorganization of the banking industry after the Great Depression, brought down the high cost of borrowing and made housing of good quality affordable to any American who could get a mortgage. The explosion of home ownership in this nation is part of the American Dream—and it is very much subsidized and regulated.

Thomas Sanzillo
Woodstock, N.Y.

Howard Husock responds:
The New School report that Paul S. Grogan cites is quite clear that non-paying tenants are a real source of distress for New York's nonprofit housing developments. In the executive summary, it observes that, of the six cities studied, "New York was the only one where evictions were a major problem," partly because of the difficulty of getting Housing Court judges to authorize them. This is particularly worrisome because New York City dominates the field, having more nonprofit housing than any other city—124,000 units built between 1987 and 1993.

Mr. Grogan is right in saying that the maintenance problems experienced by 62 percent of the projects did include some relatively minor complaints. But the New School also found that 29 percent of these fairly new projects already had problems in two or more areas. The authors observed that "beyond an initial snapshot of well-being loom some major problems which, if unaddressed, will threaten the stock of affordable housing included in this study. We have found indicators that signal concern and warrant attention." The fact that the study is sympathetic to the goals and premises of the nonprofit housing movement gives such conclusions great credibility.

Mr. Grogan's LISC is a well-run and reputable organization that seeks to encourage financial discipline in the community groups it supports. But this does not mean that nonprofit housing meets "high business standards." There is reason to doubt that it can maintain its high initial standards over time without public monies that go beyond the federal tax credits and rent subsidies that it already receives. As the New York City Housing Partnership concluded in a 1994 report, "When a nonprofit serves as developer/builder, government typically has to provide the 'deep pockets' to assume financial, construction, and market risk. . . . [N]onprofits have no magic formula that allows them to manage property at less than cost."

Roger Starr focuses too narrowly on the specifics of our aging housing regulations. The time has come to allow the building industry to use new technologies to create a new generation of inexpensive housing for people with low incomes. We can do better without many of these old rules, lowering costs while maintaining health and safety.

As for the mortgage interest deduction, it can be considered a subsidy only if one believes, as Thomas Sanzillo apparently does, that the federal government has first claim on our incomes and that every exemption from a tax is a subsidy. Moreover, there is nothing in the "housing ladder" model that I propose that precludes people of modest means from taking advantage of this tax break.

Radical Robber Barons

To the editor:
In "The Billions of Dollars That Made Things Worse" (Autumn 1996), Heather Mac Donald writes, "If the practical visionaries who established America's great philanthropic foundations could see their legacy today, they might regret their generosity. Once an agent of social good, those powerful institutions have become a political battering ram targeted at American society."

The elevation of these historical "greats"—John D. Rockefeller, Andrew Carnegie, and Julius Rosenwald—to a kind of benign, uncontroversial sainthood, in supposed contrast to the ideological, intrusive, and socially subversive efforts of the large "liberal" foundations today, is either a case of historical amnesia or revisionism of the most exaggerated kind. At the time, the philanthropy of all three was extremely controversial, and controversial for the very reasons the large "liberal" foundations are being attacked today.

Rockefeller, Carnegie, and Rosenwald boldly and generously supported projects that addressed fundamental issues of equity, access, and opportunity in American society in their time. In 1902, for instance, Rockefeller and his son set up the General Education Board to improve public schooling throughout the United States. From its creation until the outbreak of World War I, the GEB was the largest single source of philanthropic funds for the development of educational opportunities for black children (though it was equally concerned with the education of white children). In the eyes of history, the GEB was heroic, but in the view of a great many Southerners, it was hellish.

In the same period, Carnegie made substantial personal gifts to a number of black schools and colleges, particularly to Hampton and Tuskegee. And it was a condition of his gifts for the construction of public libraries throughout the country that they give equal access to all users. In 1910 Rosenwald began his long involvement with education for blacks in the South. By the time he was done in 1932, he had built some 5,300 schools in 13 Southern states.

If one accepts the values and reasoning reflected in the current conservative ideological assaults on American philanthropy, generous and courageous donors like Rockefeller, Carnegie, and Rosenwald were, in fact, despicable underminers of American values. I deeply believe that they helped make our country a better one in the most profound democratic and moral sense and that many of our foundations today are showing some of that same wisdom and courage.

Waldemar A. Nielsen
Director
The Aspen Institute
New York, N.Y.

Heather Mac Donald responds: While it might seem the height of folly to challenge the authority of Waldemar Nielsen on the history of American foundations, my understanding of that history differs from his. The philanthropic efforts of Rockefeller and Carnegie were indeed controversial in their day, but largely because of how the money had been made, far less from how it was ultimately spent.

It is also misleading, I believe, to equate Carnegie and Rockefeller's support for black educational opportunity with today's social-change philanthropy. Grants for black education represented a small portion of their total giving. Overall, the philanthropies steered clear of potentially contentious issues in favor of universally valued goods like public health, universities, and libraries. Rockefeller's General Education Board worked to improve education for blacks and whites; it was not explicitly a black charity. Carnegie's personal support for black schools strengthened institutions that had existed from the days of Lincoln. Julius Rosenwald is a special case: his foundation did concentrate to an unmatched degree on black education, but his goal was black assimilation into American society, not race-based self-esteem or separatism.

That such efforts to improve blacks' opportunities inspired the hostility of Southern racists is not surprising. That fact alone, however, does not signify that the grants were at odds with wider American values. Unlike welfare rights, radical multiculturalism, racial quotas, and a host of other "progressive" causes recently embraced by foundations, equal opportunity has been a core premise of this country since its founding.

Forgotten Parks?

To the editor:
Richard Gilder, Central Park's generous benefactor, has made a bold proposal that the Central Park Conservancy "become a model for renewing the whole park system" ("Set the Parks Free," Winter 1997). He also calls for "adequate funds in the Parks Department's coffers" to pay private groups to manage the parks, especially the smaller ones. But drastic and continuing cuts in the Parks budget are seriously limiting public funds.

This presents a number of critical questions. How would the residents of low-income neighborhoods raise enough money to care for their parks? Without public funds, would private groups be able to resist the temptation to commercialize the parks? If the Parks Department lost its prime responsibility for funding and managing city parks, would it still be able to exercise strong oversight and control?

Private groups are playing a critical role in helping to improve and sustain parks, but we still need to give the Parks Department the funds it needs to fulfill its responsibilities.

Ann L. Buttenwieser
President
The Parks Council
New York, N.Y.

To the editor:
Richard Gilder lays out all the strong arguments for privatization we made in taking over the management and financing of Bryant Park in 1992. If history repeats itself, his proposal will be attacked on the grounds that it won't help neighborhood parks, which supposedly lack the resources to privatize. This argument doesn't hold up for several reasons.

In the first place, private financing of Bryant and Central Parks has permitted the city to reallocate scarce funds to parks that haven't raised money on their own. Second, foundations prefer supporting poorer applicants. Several top foundations turned down Bryant Park because "rich people" were backing its turnaround. These same foundations would want to support parks in less visible locations. Finally, neighborhood parks would be able to take advantage of the top-flight management of parks that have privatized. We have given pro bono advice to several community groups on how to tend to their small parks. I'm sure other private park managers would do the same.

Daniel A. Biederman
Executive Director
Bryant Park Restoration Corp.
New York, N.Y.

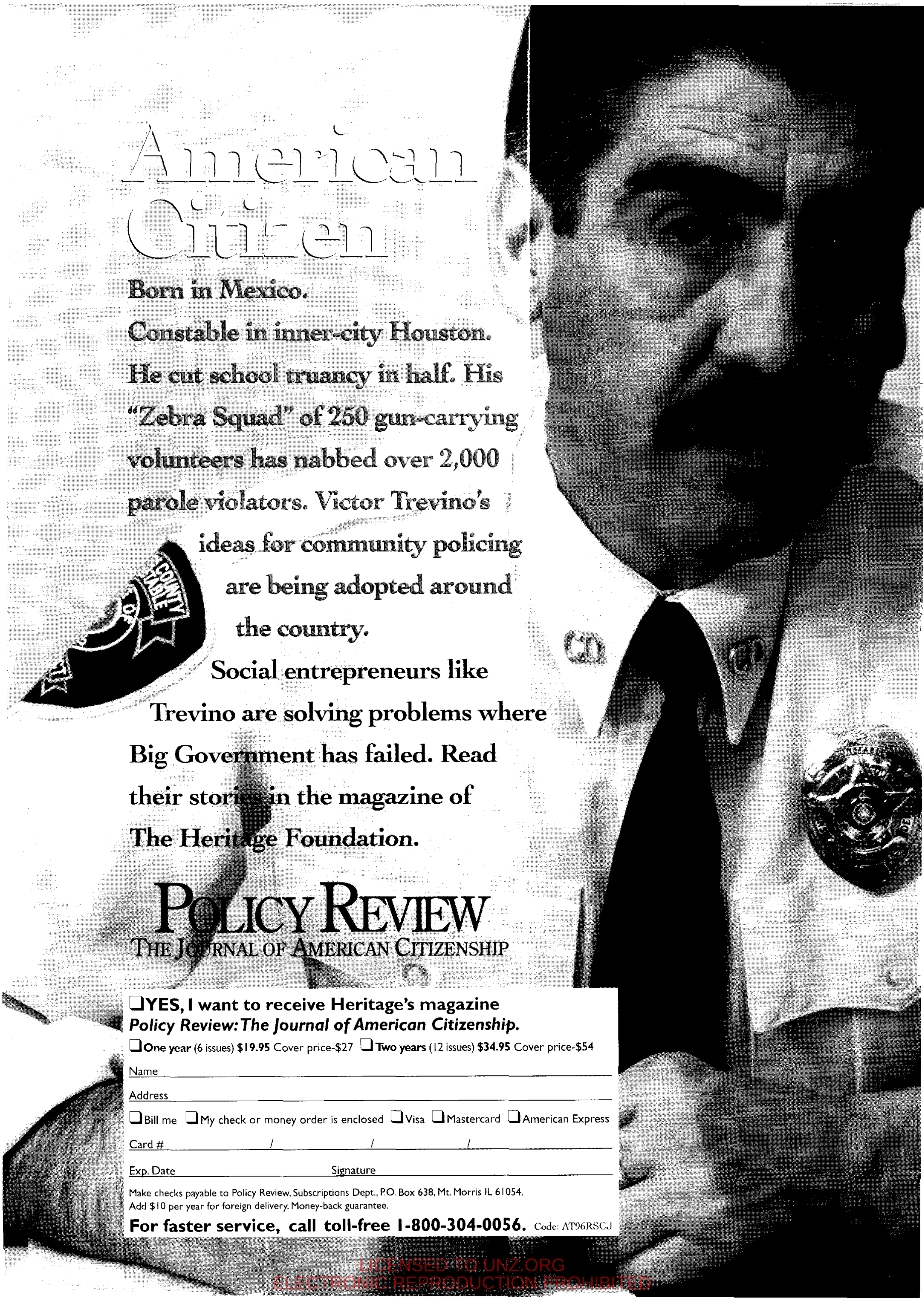
Policies That Never Die

To the editor:
Apropos of Peter Salins's "Rent Control's Last Gasp" (Winter 1997), I well remember my father's telling me about his 1942 service on some government committee deciding whether New York should have rent control. Then a prominent member of the real estate department at Bankers Trust, he was the only member of the committee who voted no. His reasoning: he didn't think that the controls would be taken off after the war ended.

At about the same time, Professor Milton Friedman, then working in the United States Treasury Department, was one of a small group designing the withholding tax. While they had to get cash to wage the war from somewhere, he now regards this as the single biggest error of his illustrious and productive career. He says, "There wasn't a single discussion within the Treasury Department of the postwar consequences. Your father was much more prescient than our group."

Charles H. Brunie
Chairman Emeritus
Oppenheimer Capital
New York, N.Y.

City Journal *welcomes letters to the editor. Our address:* City Journal, *52 Vanderbilt Avenue, New York, NY 10017-3802.*


American Citizen

Born in Mexico. Constable in inner-city Houston. He cut school truancy in half. His "Zebra Squad" of 250 gun-carrying volunteers has nabbed over 2,000 parole violators. Victor Trevino's ideas for community policing are being adopted around the country.

Social entrepreneurs like Trevino are solving problems where Big Government has failed. Read their stories in the magazine of The Heritage Foundation.

POLICY REVIEW
THE JOURNAL OF AMERICAN CITIZENSHIP

☐**YES, I want to receive Heritage's magazine *Policy Review: The Journal of American Citizenship.***

☐**One year** (6 issues) **$19.95** Cover price-$27 ☐**Two years** (12 issues) **$34.95** Cover price-$54

Name

Address

☐Bill me ☐My check or money order is enclosed ☐Visa ☐Mastercard ☐American Express

Card # / / /

Exp. Date Signature

Make checks payable to Policy Review, Subscriptions Dept., P.O. Box 638, Mt. Morris IL 61054.
Add $10 per year for foreign delivery. Money-back guarantee.

For faster service, call toll-free 1-800-304-0056. Code: AT96RSCJ

Contributors

Theodore Dalrymple is a physician who regularly sees patients in an English prison. He is a contributing editor of *City Journal,* a columnist for the *London Spectator,* and a frequent contributor to the London *Daily Telegraph.*

Amitai Etzioni is the author of *The New Golden Rule: Community and Morality in a Democratic Society* and the director of the Center for Communitarian Policy Studies at the George Washington University.

Peter Hellman is a contributing editor at *New York, Metropolitan Home,* and *Travel Holiday.* He is the author of three books on the Holocaust: *Avenue of the Righteous, The Auschwitz Album,* and *Heroes: Tales from the Israeli Wars.*

Eric Lane is the Eric J. Schmertz Distinguished Professor of Public Law and Public Service at the Hofstra University School of Law. He is the coauthor (with Abner J. Mikva) of two textbooks on the legislative process and the author of several articles on the New York State Legislature.

Heather Mac Donald is a contributing editor of *City Journal* and John M. Olin Fellow at the Manhattan Institute. Her articles have appeared in the *Wall Street Journal, The New Republic, The New Criterion,* and the *New York Times.*

Gary Rosen is senior editor of *City Journal.*

Roger Scruton is a writer and philosopher living in England. His books include *Sexual Desire, The Aesthetics of Architecture, A Dove Descending and Other Stories,* and *Xanthippic Dialogues.* He is a regular contributor to the *London Times* and editor of *The Salisbury Review.*

Sol Stern, a contributing editor of *City Journal,* has written for *Commentary* and the *Wall Street Journal* and has served as a policy analyst for the governments of New York City and New York State.

William J. Stern is a contributing editor of *City Journal.* He chaired Mario Cuomo's 1982 gubernatorial campaign and from 1983 to 1985 headed the New York State Urban Development Corporation.

Bruce Davidson, a member of Magnum Photos, has had two one-man shows at the Museum of Modern Art. His books include *East 100th Street, Bruce Davidson Photographs, Subway,* and *Central Park.*

City Journal (ISSN 1060-8540) is published four times a year by the Manhattan Institute, 52 Vanderbilt Avenue, New York, NY 10017; Telephone: (212) 599-7000. Subscription rates: One year: $19.95; Two years: $34.95; Individual issues: $5.50; Reprints: $3.00. Distributed in the United States by Bernard DeBoer, Inc., 113 East Centre Street, Nutley, NJ 07110, (201) 667-9300; International Periodical Distributors, 674 Via de la Valle, Suite 200, Solano Beach, CA 92075, (619) 481-5928; Ubiquity Distributors, 607 DeGraw Street, Brooklyn, NY 11217, (718) 875-5491.

Signed articles express the views of their authors and are intended solely to inform and broaden public debate. They are not intended to aid or hinder legislation before legislative bodies at the municipal, state, or federal level. © 1997 by the Manhattan Institute, Inc.

Greenwich Village Diarist

Back Talk

Gary Rosen

The drug dealers in Washington Square Park are a constant in my life: I pass through a gauntlet of them when I return from work each day; I dodge them at every turn when I go for a run around the park. On weekends I find them clustered outside my front door on West 4th Street, busily working the park-bound crowds. And during the week I see them from my window, chatting among themselves while they await customers in the park's Chess Corner.

But as often as I encounter the drug dealers, I can't get used to them. Quite the reverse: I've come to despise them. It's not because they're selling hard stuff; 99 percent of the time, they're "only" selling marijuana. Nor is it that they're aggressive: most back off the instant you decline their services. I can't even get too worked up about the encouragement that they probably give to other sorts of crime: Greenwich Village is pretty safe these days. What I can't stand about the drug dealers is that they ply their illegal trade so brazenly, so *publicly*—and with seeming impunity.

The dealers in Washington Square Park have certain standard come-ons, muttered under their breath as you pass them by: "smoke," "buds," "ganja," "weed." A few try to be more imaginative: "This is the stuff President Clinton didn't inhale." The warier ones want to make sure you're interested before attempting a sale. They say, "What's up, big guy?"

When I first moved into the neighborhood, I was never sure how to respond to these pitches. Like a bumpkin, I would shake my head in a polite "no thanks," as if a waiter had just offered me a second cup of coffee. Before long, I started following the example of other pedestrians: I would see that I was approaching a drug dealer, avoid eye contact, and shuffle by quickly, anxious to avoid any entanglement or tacit suggestion of approval. It felt a good deal like fleeing from a bully on the playground. Big guy indeed.

Indignation has since gotten the better of me, so now I talk back—a tactic sure to get me knifed one of these days, my wife helpfully volunteers. It took me a while to settle on an appropriate retort. I started off badly: "Stop selling drugs—it's against the law." Too abstract. "Stop selling drugs—or I'll get a cop." Too unlikely. I finally hit on a formula that sounded and felt right: "Stop selling drugs in *my* park. I *live* here."

My campaign has not gone over too well with the dealers. Unsurprisingly, not a single one has yet said, "So sorry. I didn't realize." Most of them shower me with obscenities. Several have called me a racist, and one has declared himself a libertarian, informing me that it was his right to sell drugs to willing customers. Still, they don't like the attention and often will just slink away—their turn, for once.

Of course, they're back in a few minutes. That I might actually bother to go find the police holds no fear for them. "Go ahead, get a cop," they've taunted me more than once. It's not just that it's hard to catch them with the goods. They know full well that the Criminal Court judges who handle these cases refuse to sentence even repeat offenders to anything more than the "time served" between arrest and trial, usually a day. The judges—appointees of the mayor, it should be noted—could put them away for as long as a year. As one exasperated beat cop told me, "The judges have essentially legalized pot."

I got a list of Washington Square Park's most incorrigible dealers from the police, and it made me wish I knew the names of the ones I've had run-ins with. Perhaps someday I'll encounter Derval Bradbury, who's been arrested for selling narcotics in the park 53 times, or Keith Smith, who's been taken in 61 times. I may even meet up with the grand old man himself, John Outerbridge, whose 84 arrests stretch back more than 15 years. I suppose that these career criminals would correct me if I gave them my little speech. The park, in fact, is *theirs*. ●

The finest in owner managed real estate properties.

At Atco, we believe that PEOPLE are our most valuable ASSET.

Atco Properties & Management, Inc. is owner and manager of commercial, industrial, residential and retail real estate in the New York and Phoenix areas, with more than seven decades of experience.

To us a lease is an ongoing partnership, not a one-time deal. Tenants come to view Atco managers as an essential part of everyday operations. We are quick to respond and easy to access. And through close observation and valuable suggestions, we anticipate our clients' needs to help make their businesses flourish.

ATCO
Properties & Management, Inc.

Headquarters:
555 Fifth Avenue
New York, New York 10017
212-687-5154 Fax: 212-682-7599

Tire Dump
California
5 October
1600 hrs

DUMP THEM, YOU BREAK THE LAW. RECYCLE IMPROPERLY, YOU BREAK THE LAW. MEANWHILE, MORE TIRES JUST CAME IN.

Whether your company produces waste, tries to recycle it or depends on a steady supply of raw materials, your business is bound to be affected by environmental controls.

There are thousands of regulations, both in the U.S. and overseas, designed to protect the environment. These environmental standards are in a constant state of flux, and can have far-reaching risk implications for all kinds of businesses.

Fortunately, AIG specializes in designing the kind of custom coverages you need to cope successfully with changing conditions. In fact, AIG is the only worldwide insurance ar
financial organization that helps manage your business ris
with a broad range of customized services. Services like enviro
mental remediation coverage, hedging and market-making
commodities and stop-loss protection. And we've got the t
financial ratings to back us up. So we'll be there to help keep your business rolling along.

AI

WORLD LEADERS IN INSURANCE AND FINANCIAL SERVIC
American International Group, Inc., Dept. A, 70 Pine Street, New York, NY 1(